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A

TREATISE

ON THE

POLICE

OF

LONDON.

DIRECTION TO THE BINDER.

The Summary View of the Priſoners, &c. to be placed oppoſite page 178.

A

TREATISE

ON THE

POLICE OF LONDON;

CONTAINING

A DETAIL

OF THE VARIOUS

CRIMES AND MISDEMEANORS

BY WHICH PUBLIC AND PRIVATE PROPERTY AND SECURITY ARE, AT PRESENT, INJURED AND ENDANGERED:

AND SUGGESTING

REMEDIES FOR THEIR PREVENTION.

THE FIRST AMERICAN EDITION.

BY A MAGISTRATE

Acting for the Counties of Middlesex, Surry, Kent, and Essex.—For the City and Liberty of Westminster—and for the Liberty of the Tower of London.

Meminerint legum conditores, illas ad proximam hanc finem accommodare; Scelera videlicet arcenda, refrænandaque vitia ac morum pravitatem.

Judices pariter leges illas cum vigore, æquitate integritate, publicæque utilitatis amore curent exequi; ut justitia et virtus omnes societatis ordines pervadant, Industriaque simul et Temperantia inertiæ locum assumant et prodigalitatis.

PHILADELPHIA:

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BY HENRY SWEITZER, No. 85, RACE-STREET,
MDCCXCVIII.

TO THE

READER.

THE Police of the Metropolis is a ſubject of great importance to be known and underſtood; ſince every innocent and uſeful Member of the Community has a particular intereſt in the correct adminiſtration of whatever relates, to the morals of the People—to the protection of the Public againſt depredation and fraud—and to the prevention of Crimes.

It is a ſpecies of knowledge which cannot fail to force itſelf upon the attention; the preſent inſecurity with regard to *property*, and in ſome inſtances with reſpect to *life* itſelf, has become a ſubject ſo truly intereſting, that every information upon it muſt be generally deſirable.

With an immediate view to this particular object, the Author has ſubmitted to the conſideration of the reader, a variety of *evils* of great magnitude, with other ſpecific details; which are not to be found in books, and which of courſe, have never been laid before the Public through the medium of the Preſs.

It may naturally be expected, that ſuch an accumulation of delinquency, ſyſtematically detailed, and placed in ſo prominent a point of view, muſt excite a conſiderable degree of aſtoniſhment, in the minds of thoſe readers who have not been familiar with ſubjects of this nature.

This aſtoniſhment will perhaps create a deſire to inveſtigate how far the amazing extent of the depredations upon the public ſtated in this Work, can be reconciled to *reaſon* and *poſſibility*.

Should any doubts be entertained on this ſubject, the Reader is referred to the general view given of the vaſt magnitude and proud height to which the commerce of the Metropolis has advanced.—By which it appears that about

13 500 ſhips and veſſels, and 40,000 waggons, (including their repeated voyages and journies,) annually bring and carry away a moving property, eſtimated at *One hundred and twenty Millions.**

If to this ſhall be added the *merchandize*, *proviſions*, *bank-notes*, and *money* depoſited, and in conſtant tranſit within the Metropolis, in the courſe of a year, it will be found that the value of property expoſed is by no means exaggerated, when eſtimated at an additional *Fifty Millions*; making in the whole, *One hundred and ſeventy Millions.*

Let the mind paſs from the contemplation of this vaſt aggregate of floating wealth, expoſed to depredation in ten thouſand different ways, and examine the preſent ſtate of the morals of the Metropolis by a reference to the various claſſes of individuals who live idly and ſupport themſelves by purſuits that are either criminal, illegal, diſſolute, vicious, or depraved; it will then be diſcovered that acts of delinquency and the corruption of manners, have uniformly kept pace with the increaſe of the riches of the Capital: This will be more clearly elucidated by the following melancho-*Eſtimate*; (which the Author has been able to place in the preſent collected point of view, after much labour and inveſtigation).

ESTIMATE.

Of perſons who are ſuppoſed to ſupport themſelves in and near the Metropolis by purſuits either criminal—illegal—or immoral.

1. Profeſſed Thieves, Burglars, Highway Robbers, Pick-pockets, and River Pirates, who are completely profelyted;—many of whom have finiſhed their education in the Hulks, and ſome at Botany-Bay.—N. B. There will be a conſiderable increaſe of this claſs on the return of Peace, now eſtimated at about (vide pages 68 to 79)	2000
2. Profeſſed and known Receivers of Stolen Goods, of whom eight or ten are opulent†	60
3. Coiners, Colourers, Dealers, Venders, Buyers, and Utterers of baſe Money, including counterfeit Foreign and Eaſt India Coin;‡ vide pages 334, 335 - - - -	3000
Carried over	5060

* Vide Chap. III. and XV. Pages 41, 42, 54, and 318 319.
† Cap. VIII. ‡ Cap. VI.

Brought over	5060
4. Thieves, Pilferers, and Embezzlers who live partly by depredation, and partly by their own occaſional labour: vide pages 80 to 101, 324 to 329 - - - -	8000
5. River Pilferers, viz. Fraudulent *Lumpers*, *Scuffle-hunters*, *Mud-larks*, *Lightermen*, *Riggers*, *Artificers and Labourers* in the Docks and Arſenals: vide pages 40 to 62, 329 to 334	2500
6. Itinerant Jews, wandering from ſtreet to ſtreet, holding out temptations to pilfer and ſteal, and Jew boys crying Bad Shillings, who purchaſe articles ſtolen by Servants, Stable Boys, &c. &c. generally paying in baſe Money*	2000
	†17560
7. Receivers of Stolen Goods, from petty Pilferers, at Old Iron Shops, Store Shops, Rag and Thrum Shops, and Shops for ſecond-hand Apparel, including ſome fraudulent Hoſtlers, ſmall Butchers and Pawnbrokers‡ - -	4000
8. A claſs of ſuſpicious Characters, who live partly by pilfering and paſſing Baſe Money—oſtenſibly Coſtard mongers, Aſs drivers, Duſtmen, Chimney ſweepers, Rabbit ſellers, Fiſh and Fruit ſellers, Flaſh Coachmen, Bear baiters, Dog keepers, (but in fact, Dog Stealers), &c. &c.‖	1000
Carried over	22560

* Vide pages 31, 87, 88, 97, 98, 122,—125; 136.

† Diſcharged from the Hulks upon the public, ſince the commencement of that mode of Puniſhment, including eſcapes and pardons - - Vide page 70, 2530
Perſons acquitted in ten years at the Old Bailey - 71, 6206
Diſcharged from all the Gaols in the Metropolis, by proclamation, in four years, from 1791 to 1795 - 71, 5992
Diſcharged in conſequence of acquittals - - 71, 2972
Diſcharged after impriſonment - - 71, 2484
N. B. *Under the preſent ſyſtem there is not above one Offence in one hundred that is diſcovered or proſecuted* 20174

‡ Vide pages 35—39; 136, 145, 146, and 329.

‖ Vide pages 14, 324 to 328.

	Brought over	22560
9.	Perſons in the character of menial Servants, Journeymen, Warehouſe Porters, and under Clerks, who are entruſted with property, and who defraud their employers in a little way, under circumſtances where they generally elude detection—eſtimated at about (See pages 325, 327, 328, n. 340 - - -	3500
10.	A claſs of Swindlers, Cheats, and low Gamblers, compoſed of idle and diſſolute Characrers, who have abandoned every honeſt purſuit, and who live chiefly by fraudulent tranſactions, in the Lottery; as *Morocco Men*, *Ruffians*, *Bludgeon Men*, *Clerks*, *and Aſſiſtants* during the ſeaſon; who at other times aſſume the trade of *Duffers*, *Hawkers and Pedlars*, *Horſe Dealers*, *Gamblers* with E O Tables at Fairs, *Utterers* of Baſe Money, *Horſe ſtealers*, &c. &c. vide pages 91: 118, *note*; 324, 325; 327	7440
11.	Various other claſſes of Cheats not included in the above, but deſcribed in pages 114 to 122, vide pages 324 327 - -	1000
12.	Fraudulent and diſſolute Publicans who are connected with Criminal People, and who, to accommodate their companions in iniquity, allow their houſes to be rendezvous for Thieves, Swindlers, and Dealers in Baſe Money* -	1000
13.	A claſs of inferior Officers belonging to the Cuſtoms and Exciſe, including what are called Supernumeraries and Glutmen; many of whom connive at pillage as well as frauds committed on the Revenue, and ſhare in the plunder to a very conſiderable extent: principally from their inability to ſupport themſelves on the pittance allowed them in name of ſalary: eſtimated at†	1000
	Carried over	36500

* About 1000 public-houſes change maſters once or twice, and in ſome inſtances three or four times a year in the metropolis, which are generally occupied by ſuch characters. Vide pages 29, and 324.

† Vide pages 50, 51, and 329, &c.

	Brought over	36500
14.	A numerous claſs of Perſons who keep Chandler's Shops for the ſale of proviſions, tea, and other neceſſaries, to the poor.—The total number is eſtimated at *ten thouſand* in the metropolis, a certain proportion of whom, as well as ſmall Butchers and others, are known to cheat their cuſtomers (eſpecially thoſe to whom they give a little credit) by falſe weights, for which, excepting in the Pariſh of Mary-le-bone, there is no proper check: vide *notes* pages 78, 124, and 329	3500
15.	Servants, male and female, Porters, Hoſtlers, Stable Boys, and Poſt Boys, &c. out of place, principally from ill behaviour and loſs of character, whoſe means of living muſt excite ſuſpicion—at all times about (vide pages 325, 326, and 341)	10000
16.	Perſons called *Black Legs*, and others proſelyted to the paſſion of Gaming, or purſuing it as a Trade, who are in the conſtant habit of frequenting houſes opened for the expreſs purpoſe of play, of which there are at leaſt forty in Weſtminſter, where *Pharo Banks* are kept, or where *Hazard*, *Rogue et Noir*, &c. are introduced. Of theſe, five are kept in the houſes of Ladies of Faſhion, who are ſaid to receive £50 each rout, beſides one eighth of the profits: ſeven are Subſcription houſes; five have cuſtomers particularly attached to them; and thirteen admit foreigners and every idle and diſſolute character, who are either introduced or known to belong to the fraternity of Gamblers; where a ſupper and wines are always provided by the proprietors of the houſe for the entertainment of their cuſtomers: vide pages 107, to 110, and 324 325	2000
17.	Sprendthrifts—Rakes—Giddy Young Men inexperienced, and in the purſuit of criminal pleaſures—Profligate, looſe, and diſſolute Characters, vitiated themſelves and in the daily practice of ſeducing others to intemperance, lewdneſs, debauchery, gambling, and exceſs; eſtimated at*	3000
	Carried over	55000

* Vide pages 324 and 325.

	Brought over	55000
18.	Foreigners who live chiefly by Gambling	500
19.	Bawds who keep Houſes of ill fame, Brothels, Lodging-Houſes for Proſtitutes: vide page 339	2000
20.	Unfortunate Females of all deſcriptions, who ſupport themſelves chiefly or wholly by proſtitution: vide pages 326 and 327	50000
21.	Strangers out of work who have wandered up to London in ſearch of employment, and without recommendation, generally in conſequence of ſome miſdemeanor committed in the Country; at all times above - -	1000
2.	Strolling Minſtrels, Ballad Singers, Show Men, Trumpeters, and Gipſies	1500
23.	Grubbers, Gin-drinking diſſolute Women, and deſtitute Boys and Girls, wandering and prowling about in the ſtreets and by-places after chips, Nails, Old Metals, Broken Glaſs, Paper Twine, &c. &c. who are conſtantly on the watch to pilfer when an opportunity offers	2000
24.	Common Beggars and Vagrants aſking alms, ſuppoſing one to every two ſtreets	3000
	Total	115000

In contemplating this ſhocking catalogue of human depravity, (which however *ſtill* does not include every deſcription of fraud or diſhoneſty which is practiſed) before the mind ſhall imbibe unfavourable impreſſions, it may be neceſſary to remind the Reader, that in order juſtly to appreciate the moral turpitude which attaches to ſuch a hoſt of individuals, in many reſpects deluded and miſled, it muſt be meaſured by a ſcale proportioned to the unparallelled extent and opulence of the Metropolis, and to the vaſt amount of moving property there. London is not only the grand magazine of the Britiſh Empire, but alſo the general receptacle for the idle and depraved of almoſt every Country, and certainly from every quarter of the dominions of the Crown;—where the temptations and reſources for criminal pleaſures—gambling—fraud and depredation, as well as for purſuits of honeſt induſtry, almoſt exceed imagination; ſince beſides being the ſeat of Government, and the centre of faſhion, amuſements diſſipation, extravagance, and folly, it is not only the greateſt com-

mercial city* in the univerſe, but perhaps one of the firſt manufacturing towns that is known to exiſt†

Under theſe circumſtances, while immorality, licentiouſneſs, and crimes, are known to advance in proportion to riches, it is much to be lamented that in the rapid and progreſſive increaſe of the latter, ſufficient attention has not been beſtowed on the means of checking the enormous ſtrides made by the former.

This is to be attributed principally to thoſe deficiencies and imperfections in the Syſtem of Police, which are explained and pointed out in the Treatiſe, which is now offered to the attention of the Reader.

It opens a wide field for doing good, to men of opulence, talents, and virtue; to *Patriots* and *Philanthropiſts* who love their Country, and glory in its proſperity.

Such men will ſpeedily diſcover through this medium, that, like the Roman Government when enveloped in riches and luxury, the National proſperity may be of ſhort duration; that the ſame calamities are to be dreaded wherever public morals are neglected, and no effectual meaſures adopted for the purpoſe either of checking the alarming growth of depravity and crimes, or of guarding the riſing generation againſt evil examples; which are exhibited in the Metropolis, perhaps in a greater degree than was ever before experienced particularly among the lower ranks of ſociety.

It is therefore earneſtly to be wiſhed, that the ſubject of this Treatiſe may excite in the public mind an ardent deſire for the adoption of ſuch remedies as ſhall apply to the improvement of the morals of the people, as well as to remove the danger and inſecurity, which at preſent exiſt; and which unqueſtionably muſt be greatly augmented at the concluſion of the war, by the return of a multitude of delinquents to their aſſociates in iniquity.

The ſole intention of the Author, in pointing out theſe accumulated wrongs, is to ſecure the inhabitants of the Metropolis againſt the alarming conſequences to be dreaded from the exiſtence of ſuch an atrocious and criminal confederacy.—That this may be the more eaſily effected, in all inſtances where *Evils* are repreſented to exiſt, *Remedies* are uniformly propoſed: And theſe are ſuch as have forced themſelves upon the mind, more from practical obſervation, than by indulging in ſpeculative theories.—They are ſuggeſted under a conviction that they perfectly accord with the ſpirit of

* Vide page 44. † Vide page 218.

the laws; and that their adoption will be practicable without disturbing, in any material degree, the system of criminal jurisprudence which at present exists.

The object is to extend to that system a greater portion of *energy* and *effect*, by establishing *agencies*, *regulations* and *restraints*, rendered necessary by the great magnitude and extent of the enormities committed.

It is by the operation of legal and proper *restraints*, that the possession of all things valuable in society is secured.

It is by the general influence of good laws and *regulations*, that the blessings of true liberty and the undisturbed enjoyment of property is preserved; as far as legislative authority, aided by a well-regulated and energetic police, can prove a security against iniquity and depredation.

The restraints however, proposed in this Work as the means of preventing crimes, are such as must produce this salutary effect, without abridging the privileges of innocence; since they apply to those classes only, the nature of whose dealings, from being in many instances both unlawful and immoral, immediately affect not only the useful and innocent inhabitants of this metropolis, but in the remoter consequences, the Country at large.

If the pressure experienced, joined to a more extensive information relative to the *evils* and the *remedies*, shall operate as a spur to men of influence, property, and consequence, to employ means for improving the police of the Capital—the purpose of the Author will be attained.—The morals of the People will experience a favourable change; and that species of security will be extended to the inhabitants of this great Metropolis, which has not heretofore been experienced; while many evils will be prevented, which in their consequences, threaten to be productive of the most serious mischiefs to the liberty of the People, and the happiness and security of the whole Nation.

ADVERTISEMENT.

OCCUPIED in a laborious public duty, which admits of little relaxation, and urged by the call of the moment, the Author completed the first Edition of this Work, during the last Winter, at intervals within the compass of about three months.

Anxious (from a particular circumstance) to bring it forwards as early as possible, he was then compelled not only to abridge his original design, but also to solicit the indulgence of the Public; from an impression that some imperfections might be discovered, which he hoped might be kindly and candidly pointed out, with a view to their removal, if the Work should ever pass into a second Edition.

The very general approbation manifested by the rapid demand for this Treatise, and the circumstance of the whole impression being so soon out of print, while it gratified the Author in a particular degree, urged him to proceed, under the same weight of business, in the completion of his original design; by presenting to the Public a new Edition, very much enlarged, and also improved in every instance where imperfections had either been discovered by himself, or pointed out by others.

The favour of the Public was in like manner extended to that second Edition. A third is therefore now offered to their perusal. In this, the chief care of the Author has been to correct the expressions and the methodical arrangement of matter; wherever, through the pressure of business or the hurry of the press inaccuracies in the former Editions had escaped his attention. Whatever relates to legal details has been revised with peculiar care, particularly in the quotation or recital of the Acts of Par-

liament referred to, or the definition of Crimes specified. To judge what the law ought to be, *it is first necessary to learn, accurately,* what it is.

Since the first appearance of this Work, the Author has felt great satisfaction in receiving the most unqualified approbation, communicated by several of the highest characters, as well as some of the ablest and best-informed men in the Metropolis; bearing testimony to the propriety and practicability of the Remedies he has suggested for removing the very alarming evils which have been detailed in this Treatise.

While, therefore, we deplore the miserable condition of those numerous classes of delinquents who have unhappily multiplied, with the same rapidity that the great wealth of the Metropolis has increased—while their errors and crimes are exposed only for the purpose of amendment—a prospect happily opens for the adoption of those Remedies which may prove the means of giving a seasonable check to Immorality and Crimes; so as in their prevention not only to protect the privileges of innocence, but also to render punishments very seldom necessary.

To witness the completion of Legislative arrangements, operating so favourably to the immediate advantage and Security of the Metropolis, and extending by that means the same benefits to the Country at large, would prove to the Author of this Work a very great and genuine source of happiness.

To the Public therefore, in general, and to the Legislature in particular, does he look forward with confidence for that singular gratification, which, by giving effect to his well meant endeavours for the prevention of crimes, will most amply reward the exertions he has used in the course of a very intricate and laborious investigation; in which his only object has been the Good of his Country.

London, 1st November 1796.

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morals——the prevention of crimes——the pillage and plunder on the Thames——frauds, embezzlements, and thefts, in public arſenals and ſhips of war——baſe money——puniſhments and pardons——imperfections in the preſent ſyſtem of Police; and to evils not provided for by exiſting laws - - 317

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INTRODUCTION.

NEXT to the Bleſſings which a Nation derives from excellent Laws, ably adminiſtered, are thoſe advantages which reſult from a well-regulated and energetic police, conducted with purity, activity, vigilance, and diſcretion.

Upon this depends, in ſo great a degree, the comfort, the happineſs, and the ſecurity of the people, that too much labour and attention cannot poſſibly be beſtowed in rendering the ſyſtem complete.

That much remains to be done in this reſpect no perſon will deny; all ranks muſt bear teſtimony to the inſecurity in which both life and property are at preſent placed, by the number of criminal people, who from various cauſes (which it is the object of the Writer of theſe pages to explain), are ſuffered with impunity to repeat acts of licentiouſneſs and miſchief, and to commit depredations upon the property of the public.

In vain do we boaſt of thoſe liberties, which are our birth-right, if the vileſt and moſt depraved part

of the community are ſuffered to deprive us of the privilege of travelling upon the highways, or of approaching the capital, in any direction, after dark, without danger of being aſſaulted, and robbed; and perhaps wounded or murdered.

In vain may we boaſt of the ſecurity which our excellent Laws afford us, if we cannot lie down to reſt in our habitations, without the dread of a burglary being committed, our property invaded, and our lives expoſed to imminent danger before the approach of the morning.

Deluſive alſo is that protection, which we are taught to ſuppoſe we derive from the adminiſtration of criminal juſtice, if crimes are found to increaſe; if the moral principle ceaſes to be a check upon a vaſt proportion of the lower ranks of the people; and if ſmall thefts are known to prevail in ſuch a degree, as to affect almoſt all ranks of the community who have any property to loſe, as often as opportunities occur, whereby pilfering in a little way can be effected without riſk of detection.

If, in addition to this, the peace of ſociety can, on every ſpecious pretence, be diſturbed by the licentious clamours or turbulent effuſions ariſing from the ill-regulated paſſions of vulgar life; ſurely it becomes an intereſting enquiry, worthy the attention of every intelligent member of the community; *From what ſource ſpring theſe numerous inconveniencies; and where is a remedy to be found for ſo many accumulated evils?*

In developing the cauſes which have produced that want of ſecurity, which it is believed prevails in no other country in ſo great a degree as in England, it will firſt be neceſſary to examine how far the ſyſtem of criminal juriſprudence has been, hitherto, applicable to the prevention of crimes.

If we look back to the meaſures purſued by our anceſtors two centuries ago, and before that period, we ſhall find that many wholeſome laws were made

with a view to prevention, and to ſecure the good behaviour of immoral perſons, likely to commit offences. Since that æra in our hiſtory, a different ſyſtem has been purſued. Few regulations have been eſtabliſhed to reſtrain vice, or to render difficult the commiſſion of crimes; while the Statute Books have been filled with numerous Laws, in many inſtances doubtfully expreſſed, and whoſe leading feature has generally been ſevere puniſhment. Theſe circumſtances, joined with the falſe mercy of Juries and others in caſes of ſlight offences, have tended to let looſe upon ſociety a body of criminal individuals, who, under a better police—an improved ſyſtem of legiſlation, and milder puniſhments, might, after correction in penitentiary houſes, or employment in out-door labour, under proper reſtraints, have been reſtored to ſociety as uſeful members.

According to the mode in which the laws are at preſent adminiſtered, it is a melancholy truth not to be contradicted, that the major part of the criminals who infeſt this metropolis, although committed by Magiſtrates for trial on very ſatisfactory proof, are returned upon the public in vaſt numbers year after year; encouraged to renew their former practices, by the facility they experience in eſcaping juſtice.

But this is not all:—The adroit thief often eſcapes, from his knowledge of the tricks and devices which are practiſed, through the medium of diſreputable practitioners of the Law, while the novice generally ſuffers the puniſhment attached to conviction. If evidence were allowed to be received of the means by which perſons, put upon their trial for offences, obtain their ſubſiſtence, ſo as to diſtinguiſh the old reputed thief from the novice in crimes, the minds of jurymen would be often enlightened, to the furtherance of ſubſtantial juſtice; and a humane and proper diſtinction would be made, between the firſt dawn of depravity, and the finiſhed villain; in

caſes where the Royal mercy might be extended to criminals under conviction.

The wiſdom of many other countries has rendered evidence, as to the character of the perſon accuſed, a neceſſary meaſure to elucidate any charge affecting the intereſt of ſociety; and when ſuch proof (of being, for inſtance, a reputed thief) cannot be adduced by the proſecutor, the preſumption is in favour of the priſoner, and pleads ſtrongly for a mitigation of the ſentence in caſes of conviction; while on the other hand, the old and hardened offender ſeldom eſcapes the puniſhment of the law.

The ſeverity of puniſhment is one great reaſon why crimes of an inferior claſs, with reſpect to enormity, are in a more peculiar manner felt as national evils.

It will ſcarcely be credited by thoſe, whoſe habits of life do not permit them to enter into diſcuſſions of this ſort, that by the Laws of England, there are above one hundred and ſixty different offences which ſubject the parties who are found guilty, to the puniſhment of death without benefit of Clergy.

It requires little penetration to be convinced that a criminal code, ſo ſanguinary in its proviſions, muſt, in the nature of things, defeat thoſe ends, the attainment of which ought to be the object of all law, namely, *The Prevention of Crimes.*

It is only neceſſary to examine, with a little attention, the modern hiſtory of the *criminal proſecutions, trials, acquittals, and pardons in this country*, in order to be completely convinced that one great cauſe, of the progreſſive increaſe of crimes and criminal delinquents, ariſes from the ſingle circumſtance of ſuch a multitude of ſlighter offences being liable to the puniſhment of death.

In theſe inſtances (to uſe the words of an admired Writer) "The injured, through compaſſion, "will often forbear to proſecute:—Juries, through

" campaſſion, will ſometimes forget their oaths, and " either acquit the guilty or mitigate the nature of " the offence:—and Judges, through compaſſion, " will reſpite one half the convicts, and recommend " them to Royal Mercy."*

The Roman Empire never flouriſhed ſo much as during the æra of the Portian Law, which abrogated the puniſhment of death for all offences whatſoever. When ſevere puniſhments and an incorrect police were afterwards revived, the Empire fell.

It is not meant, however, to be inſinuated that this would be, altogether a proper ſyſtem of criminal juriſprudence to be adopted in modern times.

In the preſent ſtate of ſociety it becomes indiſpenſably neceſſary, that offences, which in their nature are highly injurious to the public, and where no mode of prevention can be eſtabliſhed, ſhould be puniſhed by the forfeiture of life: but theſe dreadful examples ſhould be exhibited as ſeldom as poſſible; for while on the one hand, ſuch puniſhments often defeat the ends of juſtice, by their not being carried into execution: ſo on the other, by being often repeated, they loſe their effect upon the minds of the people.

If it were poſſible to form a ſcale of offences with a correſponding puniſhment applicable to each, aſcending from the ſlighteſt miſdemeanor in progreſſive gradation to the higheſt crimes of forgery, arſon, murder, and treaſon, the guilty would not ſo frequently eſcape the puniſhment of the law; and the numerous hordes of thieves and cheats who are daily committed for ſlighter offences, would not, as at preſent, be ſet at liberty, either by goal-deliveries or by acquittals.

This idea has been already ſuggeſted by an Author of the higheſt reputation,† and certainly merits attention; as it is hoped thoſe ſuggeſtions do which will be ſubmited to the conſideration of the public, for the

* Blackſtone's Commentaries. † Beccaria, cap. 6.

improvement of the police of the metropolis, and of the country at large, in the following pages. For certain it is, that however much we glory (and we ought to glory) in the excellence of our Criminal Law, yet there is no truth more clear and obvious than this;--- "That this code exhibits too much the appearance of "a heterogeneous mafs, concocted too often on the "fpur of the occafion (as Lord Bacon expreffes it),--- "And frequently without that degree of accuracy "which is the refult of able and minute difcuffion, "or a due attention to the revifion of the exifting "laws, or how far their provifions bear upon new "and accumulated ftatutes introduced into Parlia- "ment, often without either confideration or know- "ledge; and without thofe precautions which are "always neceffary, when laws are to be made which "may affect the property, the liberty, and perhaps "even the lives of thoufands."*

Were the exifting laws, which from our prefent Criminal Code, (according to the fuggeftions of Lord Bacon, and an eminent Crown Lawyer of our own times,) to be referred to able and intelligent men to revife, confolidate, and adjuft the whole, in a manner beft fuited to the prefent ftate of fociety and manners, the inveftigation would unqueftionably excite wonder and aftonifhment; and thofe concerned in it could not fail to lament that fo many laws, inflicting fevere penalties and punifhments for flight offences, at prefent fill the Statute Book; while feveral crimes, highly injurious to fociety, are not liable to any punifhment whatever.

Penal Laws, which are either obfolete or abfurd, or which have arifen from an adherence to rules

* Can that be thought a correct fyftem of jurifprudence, which inflicts the penalty of Death, for breaking down the mound of a fifh-pond, whereby the fifh may efcape; or cutting down a fruit tree in a garden or orchard; or ftealing a handerchief, or any trifle, privately from a perfon's pocket, above the value of 12d;—while a number of other crimes of much greater enormity, are only punifhed with Tranfportation or Imprifonment; and while the punifhment of Murder itfelf, is, and can be, only Death, with a few circumftances of additional ignominy?

of Common Law when the reaſons have ceaſed upon which theſe rules are founded ; and in ſhort, all laws which appear not to be founded on the dictates of truth and juſtice, the feelings of humanity, and the indelible rights of mankind, ſhould be abrogated and repealed.*

The method of inflicting puniſhment ought always to be proportioned to the end it is meant to ſerve. That boundary ſhould never be exceeded, and where Death does not attach to the crime, the reformation, and future uſefulneſs of the culprit to the State, ſhould conſtantly form a leading feature in all criminal juriſprudence.

By compelling perſons convicted of offences to be uſeful and induſtrious, a repetition of crimes would be prevented ; and inſtead of being injured by reiterated depredations, as is the caſe at preſent, Society would enjoy, not only the benefits ariſing from the protection of life and property, but alſo from productive labour, increaſing and enlarging the reſources of the State through the medium of its worſt members.

But, as has been already hinted, the deficiency of the Criminal Code does not ariſe ſolely from an erroneous and undigeſted ſcale of penalties and puniſhments. While on the one hand, we have to lament the number of theſe applicable to certain offences of a ſlight nature ; we have equally to regret, that there exiſt crimes of conſiderable enormity, for the puniſhment of which the law has made no proviſion at all.

Among the moſt prominent of theſe crimes, may be ranked the receiving *Caſh or Specie*, *Bank-Notes or Bills*, *knowing them to be ſtolen*.

To this very high offence, in its nature ſo productive of miſchief in a commercial country, no puniſhment at all attaches ; inaſmuch as *Specie*, *Notes*, *and Bills*, are not conſidered for this purpoſe to be

* Blackſtone.

Goods and Chattels; and the law only makes it a crime to receive property ſo deſcribed.

If therefore a notorious receiver of ſtolen goods ſhall be convicted of purchaſing a glaſs bottle or a pewter pot, he is liable to be puniſhed ſeverely; but if he receives ten or twenty thouſand pounds in *Caſh*, *Bank Notes or Bills*, he eſcapes with impunity!*

Innumerable almoſt are the other inſtances which could be collected from Reporters of Criminal Caſes, *or what are called the Pleas of the Crown*, ſhewing the deficiency of the Criminal Code, and in how many inſtances ſubſtantial juſtice is defeated, and public wrongs are ſuffered to go unpuniſhed, through the objections and quibbles conſtantly raiſed in Courts of juſtice; and which are allowed to prevail principally, for want of that reviſion of our laws and thoſe amendments which the preſent ſtate of ſociety and commerce require.

One of the chief nurſeries of crimes is to be traced to the Receivers of ſtolen property.

If theſe miſchievous and criminal aſſiſtants were not ſuffered to exiſt, there would be fewer encouragements to criminal depredations upon the public.

Without that eaſy encouragement which Receivers hold out, by adminiſtering immediately to the wants of criminals, and concealing what they purloin, a thief, a robber, or a burglar, could not carry on his trade.

And yet, concluſive and obvious as this remark muſt be, it is a ſorrowful truth, that in the metropolis alone there are at preſent ſuppoſed to be upwards of Three Thouſand Receivers of various kinds of ſtolen Goods; and an equal proportion all over the country, who keep open ſhop for the purpoſe of purchaſing at an under-price—often for a mere trifle,—every kind of property brought to them;

* It is ſaid the ſame conſtruction of the Law has been made with reſpect to the Offence of buying or receiving Hories, knowing them to be ſtolen.

from a nail, or a glaſs bottle, up to the moſt valuable article either new or old; and this without aſking a ſingle queſtion.

It is ſuppoſed that the property, which is purloined and pilfered, in a little way, from almoſt every family, and from every *houſe*, *ſtable*, *ſhop*, *warehouſe*, *workſhop*, *foundery*, *and other repoſitories*, in and about the metropolis, cannot amount to leſs than £710,000 a year, excluſive of what is pilfered from ſhips in the River Thames; which it is calculated, according to eſtimates which have been made, amounts to about half a million ſterling more, including the ſtores and materials!---When to this is alſo added the pillage of His Majeſty's ſtores, in ſhips of war dock-yards, and other public repoſitories, the aggregate will be found, in point of extent, almoſt to exceed credibility!

It is a melancholy reflection to conſider how many individuals, young and old, who are not of the claſs or deſcription of common or even reputed thieves, are implicated in this ſyſtem of depredation; who would probably have remained honeſt and induſtrious, had it not been for the eaſy and ſafe mode of raiſing money, which theſe numerous Receivers of ſtolen Goods hold out, in every bye-ſtreet and lane in the metropolis: In their houſes, although a beggarly appearance of old iron, old rags, or ſecond-hand clothes, is only exhibited, the back apartments are often filled with the moſt valuable articles of ſhip-ſtores, copper bolts and nails, braſs and other valuable metals, Weſt-India produce, houſehold goods and wearing apparel; purchaſed from artificers, labourers in the docks, lumpers, glutmen, menial ſervants, apprentices, journeymen, porters, chimney-ſweepers, itinerant Jews, and others; who, thus encouraged and protected, go on with impunity, and without the leaſt dread of detection, in ſupplying the numerous imaginary wants which are created in a large capital, by plundering every article not likely

to be miſſed, in the houſes or ſtables of men of property; or in the ſhops, warehouſes, founderies, or workſhops of manufacturers; or from new buildings, from ſhips in the river, and alſo from His Majeſty's ſtores, and other repoſitories; ſo that in ſome inſtances, the ſame articles are ſaid to be ſold to the public boards three or four times over.

Thus the moral principle is totally deſtroyed among a vaſt body of the lower ranks of the people; for wherever prodigality, diſſipation, or gaming, whether in the Lottery or otherwiſe, occaſions a want of money, they avail themſelves of every opportunity to purloin public or private property; recourſe is then had to all thoſe tricks and devices, by which even children are enticed to ſteal before they know that it is a crime; and to raiſe money at the pawnbrokers, or the old iron or rag ſhops, to ſupply the unlawful deſires of profligate parents.

Hence alſo, ſervants, apprentices, journeymen, and in ſhort, all thoſe claſſes of labouring people who have opportunities of purloining the property of their maſters, their employers, or the public, are led aſtray by the temptations to ſpend money, which occur in this metropolis, and by the facility afforded through theſe numerous Receivers of ſtolen Goods; who adminiſter to their pecuniary wants, on every occaſion, when they can furniſh them with any article of their ill-gotten plunder.

The deficiency of our Criminal Laws, in not extending ſome regulations to this numerous claſs of Dealers in old metal, ſtores, and wearing apparel, is too obvious to require illuſtration; and their ſucceſs in encouraging depredations, as well as the progreſſive accumulation of theſe peſts of ſociety is proved, by their having increaſed, from about 300 to 3000, in the courſe of the laſt twenty years, in the metropolis alone!

The like deficiency extends alſo to the more latent Receivers, who do not keep open ſhop; but

ſecretly ſupport the profeſſed robbers and burglars, by purchaſing their plunder the moment it is acquired; of which latter claſs there are ſome who are ſaid to be extremely opulent.

Many regulations of police, as well as ſalutary laws, might be uſefully eſtabliſhed, for the purpoſe of checking and embarraſſing theſe criminal people, ſo as to render it extremely difficult if not impracticable for them in many inſtances, to carry on their buſineſs without the greateſt hazard of detection.

But ſuch laws muſt not be placed upon the Statute Book as a kind of dead letter, only to be brought into action when accident may lead to the detection, perhaps of one in a thouſand.

If the evil is to be cured at all, it muſt be by ſuch plans as will eſtabliſh an active principle, under proper ſuperintendance, calculated to prevent every claſs of dealers, who are known to live partly or wholly by fraud, from purſuing thoſe illegal practices; which nothing but a watchful police, aided by a correct ſyſtem of reſtraints, can poſſibly effect.

Such reſtraints, while they will aſſiſt the honeſt and fair dealer, will alſo protect the public, as well as merchants, and all ranks of the community, who have any property to loſe, from the numerous depredations and thefts which are now committed; and the moral principle will be alſo, in ſome degree, preſerved, by reaſon of the difficulties which will occur in the diſpoſal of ſtolen property.

Nor ought it to be argued, that the reſtraints which may hereafter be propoſed, will affect the liberty of the Subject; ſince it is perfectly conſiſtent with the ſpirit of our ancient laws, to reſtrain perſons from doing evil, who are likely to commit offences; the reſtrictions can affect only a very few, comparatively ſpeaking; and thoſe too ſuch whoſe criminal conduct has been the principal, if not the ſole cauſe, of abridging the general liberty; while it ſubjected to riſk

and to danger of life and property, the great maſs of the people.

Whenever Dealers, of any deſcription, are known to encourage or to ſupport crimes, or criminal or fraudulent perſons, it becomes the indiſpenſable intereſt of the State, that they ſhould be reſtrained from purſuing at leaſt the miſchievous part of their trade; and that proviſions ſhould be made for carrying the laws ſtrictly and regularly into execution.

Reſtraints of a much ſeverer nature attach to all trades upon which a revenue is collected; can it then be conſidered as any infringement of freedom, to extend a milder ſyſtem, to thoſe who not only deſtroy liberty but invade property?

The preſent ſtate of ſociety and manners calls aloud for the adoption of this principle of regulation, as the only practicable means of preſerving the morals of a vaſt body of the community; and of preventing thoſe numerous and increaſing crimes and miſdemeanors, which are ultimately attended with as much evil to the perpetrators as to the ſufferers.

If ſuch a principle were once eſtabliſhed, under circumſtances which would inſure a correct and regular execution; and if, added to this certain other practicable arrangements ſhould take place, (which will be diſcuſſed in their regular order in theſe pages) we might ſoon congratulate ourſelves on the immediate and obvious reduction of the number of thieves, robbers, burglars, and other criminal and fraudulent perſons in this metropolis. Not being able to exiſt, or to eſcape detection, without the aid, the concealment, and the opportunities afforded at preſent by the multitude of Receivers ſpread all over the capital, they would be compelled to abandon their evil purſuits, as no leſs unprofitable and hazardous, than they are deſtructive.

Prevention of crimes and miſdemeanors, it cannot be too often repeated, is the true eſſence of Police;---and this is only to be attained by a ſyſtem

of energy directed by ſuch wiſe and legiſlative arrangements, as ſhall enable the Civil Magiſtrate to throw every poſſible difficulty in the way of offenders.

This indeed is very different from what is ſaid to have once prevailed in the capital, when criminals were permitted to ripen from the firſt ſtage of depravity until they were worth forty pounds. This is not the ſyſtem which ſubjected the public to the intermediate depredations of every villain from his firſt ſtarting, till he could be clearly convicted of a capital offence. Neither is it the ſyſtem which encouraged public houſes of rendezvous for thieves, for the purpoſe of knowing where to apprehend them, when they became ripe for the puniſhment of death.

The Syſtem now ſuggeſted, is calculated to prevent, if poſſible, the ſeeds of villainy from being ſown;---or if ſown, to check its growth in the bud, and never permit it to ripen at all.

It is propoſed to extend this ſyſtem of prevention to the Coiners, Dealers, and Utterers of baſe Money; and to every ſpecies of theft, robbery, fraud, and depredation.

The vaſt increaſe, and the extenſive circulation of counterfeit Money, particularly of late years, is too obvious not to have attracted the notice of all ranks. It has become an enormous evil in the melancholy catalogue of crimes which the Laws of the Country are called upon to aſſiſt the Police in ſuppreſſing. Its extent almoſt exceeds credibility; and the dexterity and ingenuity of theſe counterfeiters have (after conſiderable practice) enabled them to finiſh the different kinds of baſe Money in ſo maſterly a manner, that it has become extremely difficult for the common obſerver to diſtinguiſh their ſpurious manufacture from the worn-out Silver of the Mint. So ſyſtematic, indeed, has this nefarious traffic become of late, that the great dealers, who in moſt inſtances, are the employers of the Coiners, execute orders for the

town and country with the same regularity, as manufacturers in fair branches of trade.

Scarce a waggon or coach departs from the metropolis, which does not carry boxes and parcels of base Coin to the camps, sea-ports, and manufacturing towns; insomuch, that the country is deluged with counterfeit Money.

In London, regular markets, in various public and private houses, are held by the principal Dealers; where *Hawkers*, *Pedlars*, *fraudulent Horse-Dealers*, *Unlicensed Lottery-Office-Keepers*, *Gamblers at Fairs*, *Itinerant Jews*, *Irish Labourers*, *Servants of Toll-Gatherers*, *and Hackney-Coach-Owners*, *fraudulent Publicans*, *Market-Women*, *Rabbit-Sellers*, *Fish-Cryers*, *Barrow-Women*, and many who would not be suspected, are regularly supplied with counterfeit Copper and Silver, with the advantage of nearly 100 per cent. in their favour; and thus it happens, that through these various channels, immense quantities of base Money get into circulation, while an evident diminution of the Mint Coinage is apparent to every common observer.

It is impossible to reflect on the necessity to which all persons are thus reduced, of receiving and again uttering, Money which is known to be false and counterfeit, without lamenting, that by thus familiarizing the mind to fraud and deception, the moral principle is considerably weakened, if not destroyed.

In the nature of things at present, every one must receive base Money, and being thus cheated, the parties injured must, knowingly and wilfully cheat in their turn: and it is much to be feared, that when this species of fraud becomes familiar to young minds, it may extend to other transactions of life: The barrier being broken down in one part, the principle of common honesty is infringed upon, and infinite mischief to the very best interests of society, is the result, in cases at first unthought of.

To permit, therefore, the exiſtence of a Silver and Copper Coinage, ſuch as is now in circulation, is in fact to tolerate general fraud and deception, to the ultimate loſs of many individuals; for the evil muſt terminate at ſome period, and then thouſands muſt ſuffer; with this aggravation, that the longer it continues, the greater will be the loſs of property.

But the miſchief is not confined to the counterfeiting of Coin, ſimilar to that of the Realm. The avarice and ingenuity of man is conſtantly finding out new ſources of fraud; inſomuch, that in London, and in Birmingham, and its neighbourhood, Louis d'Ors, Half Johanneſes, French Half Crowns and Shillings, as well as ſeveral coins of Flanders and Germany, are counterfeited: apparently without ſuſpicion, that under the act of the 14th of Elizabeth, (cap. 3.) the offenders are guilty of miſpriſion of High Treaſon.

Nor does the evil end here:---Not content with counterfeiting the foreign Coins of Europe, the ingenious miſcreants extend their manufacture to thoſe of India: and a Coinage of the Star Pagoda of Arcot has been eſtabliſhed in London for ſome years. Theſe counterfeits being made wholly of blanched copper, tempered in ſuch a manner as to exhibit, when ſtamped, the cracks in the edges, which are always to be found on the real Pagoda, coſt the maker only Three Half-pence each, after being double gilt.---When finiſhed, they are generally ſold to Jews at Five Shillings a dozen; and through this medium, introduced by a variety of channels into India, where they are probably mixed with the real Pagodas of the country, and paſs at their full denominated value of Eight Shillings ſterling.

The Sequins of Turkey, another Gold Coin, worth about Five or Six Shillings, have in like manner been recently counterfeited in London: Thus the national character is wounded, and the diſgrace of the Britiſh name proclaimed in Aſia, and even in the moſt diſtant regions of India.---Nor can it be ſufficiently

lamented, that perſons who conſider themſelves as ranking in ſuperior ſtations in life, with ſome pretenſions to honour and integrity, have ſuffered their avarice ſo far to get the better of their honeſty, as to be concerned in this iniquitous traffic.

It has been recently diſcovered that there are at leaſt 120 perſons in the Metropolis and the country, employed principally in coining and ſelling baſe Money; and this, independent of the numerous horde of Utterers, who chiefly ſupport themſelves by paſſing it at its full value.

It will ſcarcely be credited, that of criminals of this latter claſs, who have either been detected, proſecuted, or convicted, within the laſt ſeven years, there ſtand upon the Regiſter of the Solicitor of the Mint no leſs than 608 names!---And yet the miſchief increaſes rapidly. When the Reader is informed, that two perſons can finiſh from £200. to £300. (nominal value), in baſe Silver in *ſix days*; and that three people, within the ſame period will ſtamp the like amount in Copper; and takes into the calculation the number of known Coiners, the aggregate amount in the courſe of a year will be found to be immenſe.

The cauſes of this enormous evil are, however, eaſily developed. The principal laws relative to counterfeit Coin having been made a century ago, the tricks and devices of modern times are not ſufficiently provided againſt: when it is conſidered alſo, that the offence of dealing in baſe Money (which is the main ſpring of the evil) is only puniſhable by a ſlight impriſonment; that ſeveral offences of a ſimilar nature are not puniſhable at all, by any exiſting ſtatute; and that the detection of actual Coiners, ſo as to obtain the proof neceſſary for conviction, required by law, is, in many inſtances impracticable; it is not to be wondered at, where the profit is ſo immenſe, with ſo many chances of eſcaping puniſhment, that the coinage of, and traffic in, counterfeit Money has

attracted the attention of so many unprincipled and avaricious persons.

This enormity, however, may, like others already alluded to, be cured by wise legislative regulations, aided by proper provisions for their due execution, under a vigorous and energetic police.

Having thus stated many prominent abuses which appear to arise from the imperfections in our criminal Code, as well as the benefits which an improved system would extend to the country; it now remains to elucidate the further evils arising to Society, from the abuses practised in carrying the existing statutes into execution. As the laws now stand, no energy enters into the system of detection, so as to give vigor and effect to that branch of police which relates to the apprehension of persons charged with offences; and no sooner does a Magistrate commit a hackneyed Thief or Receiver of stolen Goods, a Coiner, or Dealer in base Money, or a criminal charged with any other fraud or offence punishable by law, than recourse is immediately had to some disreputable Attorney, whose mind is made up and prepared to practise every trick and device which can defeat the ends of substantial justice. Depraved persons, frequently accomplices, are hired to swear an *alibi*; witnesses are cajoled, threatened, or bribed, either to mutilate their evidence or to speak doubtfully on the trial, although they swore positively before the committing Magistrate.

If bribes and persuasions will not do, the prosecutors are either intimidated by the expence,* or softened down by appeals to their humanity; and under such circumstances, they neither employ counsel nor take the necessary steps to bring forward evidence: the result is, that the bill is either returned *ignoramus* by

* No hardship can be so great as that of subjecting an individual, under any circumstance whatsoever, to the expence of a public prosecution, carried on in behalf of the King: Besides adding, almost on every occasion, to the loss of the parties, it is productive of infinite mischief, in defeating the ends of Justice.

the Grand Jury; or, if a trial takes place, under all the disadvantages of a deficient evidence without a counsel for the prosecution, an advocate is heard for the prisoner, availing himself of every trifling inaccuracy which may screen his client from the punishment of the law, and the hardened villain is acquitted and escapes justice; while as we before noticed, the novice in crimes, unskilled in the deficiencies of the law, and unable, from the want of criminal connections, or that support which the professed thief receives from the Buyers of stolen Goods, to procure the aid of counsel to defend him, *is often convicted!*

The registers of the Old Bailey afford a lamentable proof of the evils arising from the present mode of trying criminals without a public prosecutor for the crown. In the course of seven years, previous to the Police Establishment, no less than 4262 prisoners, who had been actually put upon their trial by the Grand Jury, were let loose upon the public by acquittals.

Since that period no material diminution has taken place, except what may be easily accounted for by the war; and when to this dreadful catalogue of human depravity, is to be added, the vast number of criminals who are periodically discharged from the different goals by proclamation, it is not an unfair deduction, that, (including numbers of cheats, swindlers, gamblers, and others, who have never yet been discovered or known, for want of an active superintending principle in the conduct of the police) there are at this time *many thousand* individuals, male and female prowling about this metropolis, who principally support themselves by various depredations on the public.

Nor does the evil rest here; for even convicted felons, in too many instances, find means to escape without punishment; and to join that phalanx of villains, who are constantly engaged in objects of depredation and mischief.

No ſooner does the puniſhment of the law attach on a criminal, than falſe humanity becomes his friend.

Pardons are applied for; and it is known that His Majeſty's great goodneſs and love of mercy has been frequently abuſed by the tricks, devices, and frauds, too commonly reſorted to, by convicts and agents equally depraved as themſelves, who while they have recourſe to every ſpecies of falſehood and forgery, for the purpoſe of attaining the object in view; at the ſame time plunder the friends and relatives of the priſoner, of their laſt guinea, as the wages of villainy and miſrepreſentation.

By ſuch nefarious practices, it is much to be feared, that many a hardened villain has eluded the puniſhment of the law, without any previous reference to the committing Magiſtrates, who may be ſuppoſed to have accurately examined into his character and connections; and what is ſtill worſe, without extending to the community thoſe benefits which might ariſe from important diſcoveries uſeful to public juſtice; ſuch as convicted felons are always capable of making; and which, in conjunction with tranſportation, it ſhould ſeem, ought to be one indiſpenſable condition, upon which pardons ſhould be granted to capital convicts.*

Inſtead of ſuch precautions which appear to be abſolutely requiſite, it is to be lamented, that without reflecting that a common thief can ſeldom be reſtrained by military diſcipline, many of the worſt claſs of convicts have received his Majeſty's gracious pardon, on the ſimple condition of going into the army or navy: This has been no ſooner granted, than the Royal Mercy has been abuſed, either by deſertion, or by obtaining a diſcharge, in conſequence of ſome real or pretended incapacity, which was previouſly con-

* If this rule were followed, infinite advantages would reſult from it in preventing Crimes, as well as in detecting Offenders.

cealed: Relieved in so easy a manner, from the heavy load of a capital punishment, the culprits return again to their old practices; and by this means, punishment not only ceases to operate as a prevention of crimes, by example, but becomes even an encouragement; while the labour of detection, and the expence of trial and conviction, are fruitlessly thrown on an injured individual, and lost to the public.

But the evil arising from the periodical discharge of so many criminal and depraved people, by proclamations, acquittals, and pardons, is not all the inconvenience which the public feels from the present state of the Police of the Metropolis.

In addition to this, the hulks send forth, at stated times, a certain number of convicts, who having *no asylum*, *no home*, *no character*, and *no means of subsistence*, seem to have only the alternative of starving, or joining their companions in iniquity; thus adding strength to the body of criminals, by the accession of men, who, polluted and depraved by every human vice, rendered familiar to their minds in those seminaries of profligacy and wickedness from whence they have come, employ themselves constantly in planning and executing acts of violence and depredation upon the public. Some of them, rendered desperate from an additional degree of depravity, feel no compunction in adding the crime of murder to that of robbery, as has been too clearly manifested by many late instances.

From what has been thus stated, is it not fair to conclude, that the want of security which the public experiences with regard to life and property, and the inefficacy of the Police in preventing crimes, are to be attributed principally to the following causes?

1. *The imperfections in the Criminal Code*; *and in many instances*, *its deficiency with respect to the mode of punishment*; *as well as to the want of many other regulations*, *provisions*, *and restraints*, *applicable to*

the present state of society, for the purpose of preventing crimes.

2. *The want of an active principle, calculated to concentrate and connect the whole Police of the Metropolis and the Nation; and to reduce the general management of system and method, by the interposition of a superintending agency, composed of able, intelligent, and indefatigable men, acting under the direction and controul of His Majesty's Principal Secretary of State for the Home Department. On these Persons, it is proposed, should devolve the subordinate care and direction of the general Police of the Metropolis; so as to obtain, by the introduction of order and arrangement, and by efforts of labour and exertion, a complete history of the connections, and pursuits of all or most of the criminal and fraudulent persons who resort to the Metropolis; either natives or foreigners; forming from such materials a general and complete register of every known offender, and thereby establishing a clue for their detection, as often as they are charged with committing depredations on the public---with power to reward officers of justice, and all other persons whose services are found to be useful in the discovery or detection of delinquents of every description. To keep a register of property stolen, or procured by swindling, or fraudulent transactions, in the Metropolis, as well as in other parts of Great Britain: To establish a Correspondence with the Magistrates in town and country, so as to be able more effectually to watch the motions of all suspected persons; with a view to quick and immediate detection; and to interpose those embarrassments which a vigilant and active Police may place in the way of every class of offenders, so as to diminish crimes by increasing the risque of detection: All this, under circumstances Where a* centre point would be formed, *and the general affairs of the police conducted with method and regularity: where Magistrates would find assistance and information; where the great offences against the police, such as the* Coinage

of baſe Money, *and* Lottery Inſurances, *would be traced to their ſource*; *the care and diſpoſal of convicts, according to their different ſentences, be ſeen to*; *and the whole ſyſtem conducted with that intelligence and benefit to the Country, which muſt ariſe from the attention of men of buſineſs being directed ſolely to theſe objects, diſtinct from all other affairs of State*; *and their exertions being confined principally to the preſervation of the morals of the People, and the prevention of crimes.*

3. *The want of an inſtitution of Police Magiſtrates in the Dock Yards*; *and in all great commercial and manufacturing towns, where there are no Corporations or Funds for the adminiſtration of public juſtice.*
4. *The want of a public Proſecutor for the Crown, in all criminal caſes, for the purpoſe of preventing frauds in the adminiſtration of juſtice.*
5. *The want of a more correct and regular ſyſtem, for the purpoſe of obtaining the fulleſt and moſt authentic information, to avoid deception in the obtaining of pardons.*
6. *The ſyſtem of the* Hulks.
7. *The want of an improved ſyſtem with regard to the arrangement and diſpoſal of convicts---deſtined for hard labour or for tranſportation.*
8. *The want of national* Penitentiary Houſes, *for the puniſhment and reformation of certain claſſes of convicts.*
9. *The want of a more ſolemn mode of conducting executions*; *whenever ſuch dreadful examples are neceſſary for the furtherance of public juſtice.*

The moſt prominent cauſes having been thus explained, from which, it is preſumed, ariſe thoſe exiſting and increaſing evils which every good man muſt deplore: it now remains to offer ſuch ſuggeſtions, as ſhall explain and remove them; ſo as to extend to the public, thoſe bleſſings which ſhall ariſe from improved laws, adminiſtered with purity under a correct and

energetic ſyſtem of Police, applicable to the preſent ſtate of ſociety; and which ſhall be, in ſome degree, effectual in guarding the public againſt thoſe increaſing and multifarious injuries and dangers, which are univerſally felt and lamented.

As a ſubject ſo extenſive, involves in it a great variety of detail, of a very intereſting nature, which muſt be neceſſarily diſcuſſed under different heads, its further elucidation, and the nature of the remedies which are propoſed, will be found in the following Chapters.

A TREATISE, &c.

CHAP. I.

The prominent Cauſes of the increaſe of Crimes conſidered; as proceeding from the Vices of the inferior ranks of the People, engendered principally in Public Houſes. And from the bad Education and Idleneſs of the lower order of the Jews. An eſtimate of the extent of the Depredations ariſing, from this ſource, in the Metropolis and its vicinity. Reflections and Suggeſtions applicable to this branch of the ſubject.

IN developing the cauſes which have ſo multiplied and increaſed thoſe various offences and public wrongs which form the ſubject of the preſent work, it may be truly affirmed that, in the firſt inſtance, much is to be imputed to *deficient and inapplicable Laws, and to an ill-regulated Police.*

Crimes of every deſcription have their origin in the vicious and immoral habits of the people; in the little attention paid to the education of the inferior or-

ders; and in the want of fome plan for regulating the morals of this uſeful claſs of the community.

Innumerable temptations occur in a great capital to excite, and afterwards criminally to ſupply, imaginary wants and improper gratifications, not known in ſmaller ſocieties: and againſt which the laws have provided few remedies, applicable in the way of prevention.

The improvident, and even the luxurious mode of living which prevails too generally among the lower ranks in the metropolis, leads to much miſery and to many crimes.

Accuſtomed from their earlieſt infancy to indulge themſelves in eating many articles of expenſive food in its ſeaſon*; and poſſeſſing little or no knowledge of that kind of frugality and care which enables well-regulated families to make every thing go as far as poſſible, by a diverſified mode of cookery and good management:---Aſſailed alſo by the numerous temptations held out by fraudulent Lotteries, and places of public reſort and amuſement; and above all, by the habit of ſpending a great deal of valuable time as well as money unneceſſarily in public houſes; where they are often allured, by low gaming, to ſquander more than they can afford, ſcarcely an inſtance can be found of accommodating the expenditure to the income, even in the beſt of times, with a conſiderable body of the loweſt and more depraved orders of the people inhabiting the capital: and hence a melancholy concluſion is drawn, warranted by an eſtimate generally aſſumed to be correct, that, including gamblers, ſwindlers, and all claſſes of criminal and depraved perſons, "above twenty thouſand individuals riſe every "morning without knowing how, or by what means "they are to be ſupported through the paſſing day;

* The chief conſumption of oyſters, crabs, lobſters, pickled ſalmon, &c. when firſt in ſeaſon, and when the prices are high, is by the *loweſt* claſſes of the people.—The middle ranks, and thoſe immediately under them, abſtain generally from ſuch indulgencies, until the prices are moderate.

" and in many inſtances even where they are to lodge " on the ſucceeding night."

Poverty is no where to be found cloathed, in ſo great a degree, with the garb and emblems of the extremeſt miſery and wretchedneſs, as in London.

Were we to examine the hiſtory of any given number of theſe our miſerable fellow-mortals, it would be diſcovered that their diſtreſſes, almoſt in every inſtance, have been occaſioned by extravagance, idleneſs, profligacy, and crimes:—and that their chief ſupport is by gambling, cheating, and thieving in a little way.

Allured and deceived by the opportunities, which the pawnbrokers and the old iron ſhops afford, to enable labouring people, when they marry, and firſt enter upon life, to raiſe money upon whatever can be offered as a pledge, or for ſale; the firſt ſtep with too many is generally to diſpoſe of wearing-apparel and houſhold goods; and this is frequently done on the ſlighteſt occaſion, rather than forego the uſual gratification of a good dinner or a hot ſupper. Embarraſſments are the ſpeedy conſequence of this line of conduct, which is often followed up by idleneſs and inactivity. The alehouſe is then reſorted to as a deſperate remedy, where the lazy and diſſolute will always find aſſociates, who being unwilling to labour, reſort to crimes for the purpoſe of ſupplying an unneceſſary extravagance.

It is truly pitiable to behold the abject condition of the numerous claſſes of profligate parents, who with their children, are, from invincible and growing habit, conſtantly to be found in the tap-rooms of public houſes; ſpending in two days, as much of their earning as would ſupport them a week comfortably in their own dwellings; deſtroying their health; waſting their time; and rearing up their children to be proſtitutes and thieves, before they can diſtinguiſh between right and wrong.

In the City of London, and within the Bills of Mortality, there are at preſent 5204 licenſed Public-Houſes,* and it is calculated that the money expended in beer and ſpirits in theſe receptacles of idleneſs and profligacy, by the *labouring people only*, is upwards of *three millions ſterling a year*.†

A moment's reflection will ſhew how much theſe unfortunate habits tend to deſtroy the moral principle, and to engender crimes.

The period is not too remote to be recollected, when it was thought a diſgrace for a woman (excepting on holiday occaſions) to be ſeen in the tap-room of a public-houſe: but of late years the obloquy has loſt its effects; and the public tap-rooms of many alehouſes are filled with men, women, and children, on all occaſions; where the wages of labour are too often exchanged for indulgencies ruinous to health; and where leſſons of vice and profligacy are imbibed, totally deſtructive of the morals of adults, as well as of the riſing generation.

In tracing the cauſes of the increaſe of public depredation by means of robberies, pilferings, and frauds, much muſt be attributed to ill-conducted public-houſes.

The proper regulation of thoſe haunts of idleneſs and vice becomes then the *ground-work of any rational plan of Reform*. Infinite attention ought to be beſtowed in the ſelection of perſons fit to be entruſted with licences; as on this depends the preſervation of the morals of the people; in a greater degree than on any one meaſure propoſed in the courſe of this Work.

* In London, — — 825
In Weſtminſter, — — 997
In that part of Middleſex which lies within the bills of mortality — — 2439
In Southwark, and that part of Surry which lies within the bills of mortality. 943

Total 5204 Public Houſes.

† Vide page 29.

Inſtead of being men of ſober manners and of good moral character, a little enquiry will ſhew that a conſiderable proportion of the preſent Ale-Houſe-Keepers in the metropolis are men of no reſpectability; diſpoſed to promote drunkenneſs, low games, and every ſpecies of vice that can be the means of increaſing their trade; while not a few of them are connected with highwaymen, common thieves, and coiners, venders and utterers of baſe money.

An ill-regulated public-houſe is one of the greateſt nuiſances which can exiſt in civil ſociety. Through this medium, crimes are increaſed in an eminent degree. Its poiſon ſpreads far and wide. It may be truly ſaid to be a ſeminary for rearing up rogues and vagabonds.

It is in ſuch houſes that thieves and fraudulent perſons find an aſylum, and conſult how and where they are to commit depredations on the public. It is here that apprentices, and boys and girls of tender years are to be found engaged in ſcenes of lewdneſs and debauchery; and in fine, it is in ſuch places that almoſt every vice which diſturbs or interrupts the peace and good order of ſociety, has its origin.*

The firſt cauſe of this extenſive evil originates in the number of ſuperfluous houſes which have been inadvertently licenſed.

Of theſe there are ſeldom leſs than *one thouſand* which change maſters every year in the metropolis alone; and many of them three or four times over.

The reſult is, that while ſo many public houſes are conſtantly at market, perſons of worthleſs, profligate, and criminal characters become the purchaſers: and this will ever be the caſe, while no limits are ſet

* It has been lately diſcovered, that clubs of apprentice boys are harboured in public houſes, for the purpoſe of ſupporting their brethren who run away from their maſters; and of initiating themſelves early in ſcenes of lewdneſs and drunkenneſs; the means of indulging in which are generally obtained by pilfering their maſters' property, and diſpoſing of it at the old iron ſhops.—In this ſituation, from being apprentices to lawful trades, they in general become the apprentices of thieves, who reſort to ſuch houſes to find boys fitting ſuch purpoſes.

to the number in each diſtrict; and while the preſent *mockery of ſecurity is in practice*, by permitting one publican to be bound for another, in the ſmall penalty of ten pounds, for the performance of duties, the moſt important and ſacred which are known to exiſt in civil ſociety; ſince a breach of them ſaps the foundation of all morals.*

Of how much importance therefore is it for Magiſtrates to eſtabliſh correct ſyſtems for watching over the conduct of publicans and for regulating public houſes?—Every thing that tends to the prevention of crimes; to the comfort and happineſs of the labouring poor; and to the eſſential intereſts of the State, as regards the morals and health of the lower ranks, in checking their prevailing propenſity to drunkenneſs, gaming and idleneſs; depends, in a great meaſure on the vigilance and attention of the Civil Magiſtrates: whoſe powers to do good in this reſpect are extremely ample, and only require to be exerted with attention,

* In a Tract, entitled, *Obſervations and Facts relative to Public Houſes*, printed by J. Downes, No. 240, Strand, 1794. The evils ariſing from ill-regulated Public Houſes are explained at conſiderable length, and ſeveral remedies propoſed. In this publication the conſumption of *Goſh* and *Forter* annually in the metropolis and its environs is ſtated to be 1,132,147 barrels = to 36,625 145 gallons, making 158,400,580 pots at 3½d. £. 2,311,466 15 10

And by another calculation, the average conſumption of Gin and Compounds in Public Houſes, previous to the ſtoppage of the diſtillery, was about 3,000,000 gallons. - - - - 975,000 0 0

£3,286,466 15 10

If a concluſion may be drawn from the greater degree of ſobriety, which ſeems manifeſted at preſent by the labouring people, evinced by a decreaſe in the number of quarrels and riſſulus, and by the difficulty in obtaining the neceſſaries of life being apparently leſs than in the ſpring of 1795, *notwithſtanding no charities have been diſtributed*, and *bread is conſiderably higher*:—It would ſeem reaſonable to attribute this favourable change to the high price of gin. This baneful liquor being now in a great meaſure *inacceſſible*, the lower ranks have it in their power to apply the money, formerly ſpent in this way, in the purchaſe of proviſions—perhaps to the extent of *ſome hundred thouſand pounds a year* in the metropolis alone! If this fact is aſſumed, it is impoſſible to reflect without great ſatisfaction on the actual gain, which reſults to the Nation, from the preſervation of the health of perſons whoſe lives are ſhortened by the immoderate uſe of ardent ſpirits. In the labour of adults, the benefit to the Nation, ariſing from ſobriety in the maſs of the people, is at leaſt one hundred-fold in length of life, and productive induſtry.

mildneſs, and prudence, joined to firmneſs and good judgment.*

In fact, the foundation of all good Police throughout the nation reſts upon thoſe wiſe regulations which the Clergy and the Magiſtrates ſhall carry into execution for the preſervation of morals, and the prevention of crimes.

It is earneſtly to be hoped, that thoſe who have the charge of pariſhes will, in a more peculiar manner lend their aid, by an immediate attention to the condition of the poor, by regularly viſiting their abodes, and by forwarding proper religious inſtructions in their families: for certain it is, that if the prevailing and increaſing immorality and profligacy among the lower orders of the people are not checked, very ſerious conſequences are to be dreaded.†

It is alſo much to be wiſhed that the leading and reſpectable perſons of the Jewiſh religion would conſider it as incumbent on them to adopt ſome means of employing, in uſeful and productive labour, the numerous youths of that perſuaſion, who are at preſent rear-

* The following propoſitions are ſuggeſted, as likely to aid the Magiſtrates conſiderably in their exertions, to reform the Public Houſes, in caſe they ſhall obtain the ſanction of the Legiſlature.

1. That the number of Public Houſes aſſigned to each licenſing diviſion ſhall be limited by law; and no new houſes ſhall be licenſed unleſs there ſhall be an increaſe of inhabitants, (by means of an acceſſion of buildings or manufactories in the neighbourhood,) equal to 150 individuals, including thoſe employed in public works.

2. That no perſon ſhall be licenſed until he can produce a reſponſible houſekeeper, who is not a publican, to enter into a recognizance along with him for his good behaviour in the ſum of *fifty pounds*; ‡ which ſhall be forfeited if he permits *gaming drunkenneſs*, or any other *irregularities*, to be ſpecified in the recognizance, the form and obligation of which might be *modernized, altered*, and *amended* to the great benefit of the public.

† The total ignorance of moral and religious duties, among the lower ranks of people in the Metropolis, cannot be more ſtrikingly exemplified, than by the circumſtance that vaſt numbers cohabit together without marriage; from theſe connections a numerous progeny ariſes, reared up (where want of care and diſeaſe does not ſhorten their days) under the example of parents, whoſe conduct exhibits nothing but the vileſt profligacy.

‡ *At preſent the legal recognizance is only for* 10*l.*—*It has continued ſo for upwards of* 230 *years, ſince the reign of Edward VI. when the ſum then fixed on was according to the preſent decreaſe of the value of money, much more than the* 50*l. now preſcribed.*

ing up in idleneſs, profligacy, and crimes. If the ſuperſtitious obſervance of inſtitutions, with regard to meat not killed by Jews, and on the Jewiſh ſabbath, ſhall exclude theſe youths from being bound to uſeful employments and mixing with the maſs of the people, by becoming ſervants or apprentices; ſurely it is proper ſome care ſhould be taken that they ſhall not become public nuiſances; an evil that muſt inevitably ariſe from a perſeverance, in the ſyſtem which now prevails, in the education and habits of this numerous claſs of people; and which is directly hoſtile to the intereſt of the State; and to the preſervation of morals.

The increaſe therefore of the lower order of the Jews, reared under the influence of ſuch evil examples, and bred to no profeſſion that can render their labour uſeful to the country, conſtitutes another of the chief ſources of that depravity which prevails in the metropolis: and is to be conſidered as one great cauſe of the increaſe of petty crimes.

For the purpoſe of elucidating, in ſome degree, the dreadful effect of this profligacy and wickedneſs, in the perpetration of crimes of every ſpecies and denomination, the following Eſtimate has been made up from information derived through a variety of different channels. It exhibits at one view, the ſuppoſed aggregate amount and value of the various depredations committed in the metropolis and its environs, in the courſe of a year.

The intelligent reader will perceive at once, that in the nature of things, ſuch a calculation cannot be perfectly accurate; becauſe there are no preciſe data upon which it may be formed: but if it approaches in any degree near the truth, (as the Author is aſſured it does), it will fully anſwer the purpoſe intended; by affording many uſeful and important hints and concluſions favourable to thoſe improvements which are felt to be neceſſary by all; though hitherto underſtood by very few.

An Eſtimate of the Annual Amount and Value of the Depredations committed on Public and Private Property in the Metropolis and its Vicinity, IN ONE YEAR. *Specifying the Nature of ſuch Depredations under ſix different Heads, viz.*

1. *Small Thefts*, committed in a little way by *menial Servants, Chimney-Sweepers, Duſtmen, Porters, Apprentices, Journeymen, Stable Boys, Itinerant Jews, and others*, from *dwelling-houſes, ſtables, out-houſes, warehouſes, ſhops, founderies, workſhops, new buildings, public houſes*, and in ſhort every other place where property is depoſited, which may be ſpecifically eſtimated and ſubdivided as follows:

	Tons.	*£.*
Articles new and old, of iron and ſteel	5000	100,000
——— braſs	1500	150,000
——— copper	1000	120,000
——— lead	2500	50,000
——— pewter, ſolder, and tin	300	35,000
——— Pewter pots, ſtolen from 5204 publicans	500	*55,000
——— Small articles of plate, china, glaſs-ware, ſadlery, harneſs, and other portable articles of houſe and table furniture, books, tea, ſugar ſoap, candles, liquors, &c. &c. &c.		100,000
——— Piece-goods from ſhops, and warehouſes, by ſervants, porters, &c.		50,000
——— Wearing apparel, bed and table linen, &c.		40,000
——— Silk, cotton, and worſted yarn, embezzled by Winders and others in Spitalfields, &c. formerly £20,000, a year, now ſuppoſed to be		10,000
		£710,000

* The publicans in their petition to the Houſe of Commons (1796) eſtimated their loſs at £100,000!

2. *Theft upon the River and Quays*, committed in a little way on board ſhips in the River Thames, whilſt diſcharging their cargoes; and afterwards upon the Wharfs, Quays, and Warehouſes, when the ſame are landing, weighing, and ſtoring; by glutmen, lumpers, jobbers, labourers, porters, lightermen, boys called mudlarks, and others employed, or lurking about for plunder.

	£.
Raw ſugar, rum, coffee, chocolate, pimento, ginger, cotton, dying woods, and every other article of Weſt-India produce.	150,000
Eaſt-India goods, and merchandize from Africa, the Mediterranean, America, the Baltic, the Continent of Europe, coaſting trade, &c. &c. &c.	230,000
Ship ſtores and tackling, including cordage, ſails, tar, pitch, tallow, proviſions, &c. taken from above 1,000 different veſſels	100,000
	£500,000

3. *Thefts and Frauds* committed in his Majeſty's dock-yards, and other public repoſitories, ſituated on the River Thames; including the plunder, pillage, and frauds, by which public property (excluſive of metals) is embezzled in the ſaid ſtores, and from ſhips of war. (Beſides the frauds, plunder and pillage, in the dock-yards, and from ſhips of war at Chatham, Portſmouth, Plymouth, &c. at all times enormous, but eſpecially in time of war, when public property is unavoidably moſt expoſed, equal at leaſt to £700,000. a year more, making in all, one million ſterling), at leaſt - - £300,000

4. *Depredations* committed by means of burglaries, highway-robberies, and other more atrocious thefts, viz.

1. Burglaries by houſebreakers in plate, and other articles, -	100,000
2. Highway robberies in money, watches, bank-notes, &c. - -	75,000
3. Private ſtealing and picking of pockets, &c. - - -	25,000
4 Stealing cattle, ſheep, poultry, corn, provender, potatoes, &c. &c. - - - - - - - - -	20,000
	£220,000

5. *Frauds* by the coinage and fabrication of baſe Money, counterfeited of the ſimilitude of the current gold, ſilver and copper coin of the Realm. - - - - - £200,000

6. *Frauds* by counterfeiting public ſecurities, powers of attorney, bonds, bills, and notes; by ſwindling, cheating and obtaining money and goods by falſe pretences, &c. &c. &c. £170,000

RECAPITULATION.

1. Small Thefts — —	£710,000
2. Thefts upon the Rivers and Quays — —	500,000
3. Thefts in the Dock-Yards, &c. on the Thames —	300,000
4. Burglaries, Highway-Robberies, &c. — —	220,000
5. Coining baſe Money — —	200,000
6. Forging Bills, Swindling, &c. — —	170,000
Total	*£2,100,000

* This ſum will, no doubt, aſtoniſh the reader, at firſt view; and may even go very far to ſtagger his belief; but when the vaſt extent of the trade and commerce of London is conſidered, and that in the exports and imports of the capital alone, there is an annual movement of nearly ſeventy millions of property laden and unladen in the Thames, (as is more fully ſhewn hereafter: See chapter 3.) independent of the great quantity of ſtationary or fixed property of a portable nature, as well as moving effects, conveyed in waggons, both which cannot amount to leſs than perhaps the annual ſum of one hundred millions—it will ceaſe to be a matter of ſurprize, that under an incorrect ſyſtem of police and deficient laws, the depredations are eſtimated ſo high. It would have equally attracted attention with a view to an improvement in the police, and of courſe have anſwered the Author's purpoſe full as well to have reduced the eſtimate to *one half the preſent ſum*: but being ſolicitous to approach as near the truth as poſſible, he conſidered himſelf bound to preſent it in its preſent form.

The foregoing eſtimate, (imperfect and uncertain as it may be), exhibits a melancholy picture of the general depravity which prevails; and which is heightened in a conſiderable degree by the reflection, that among the perpetrators of the crimes there particularized, are to be numbered perſons, who from their rank and ſituation in life would ſcarcely be ſuſpected of either committing or conniving at the commiſſion of frauds, for the purpoſe of enriching themſelves at the expence of the nation,

Avarice is ever an eager, though not always a clear-ſighted paſſion: and when gratified at the price of violating the ſoundeſt principles of honeſty and juſtice, a ſting muſt remain behind, which no affluence can baniſh,—no pecuniary gratification alleviate.

In contemplating theſe ſtrong features of degraded humanity, it cannot eſcape the obſervant reader, how ſmall a part of the annual depredations upon public and private property is to be placed to the account of thoſe criminals who alone attract notice from the force and violence they uſe, and to whoſe charge the whole of the inconveniencies felt by the public, is generally laid, namely, *common thieves and pick-pockets*; *highway-men and footpad robbers*. But for this eſtimate, it could not have been believed how large a ſhare of the property annually plundered, ſtolen, embezzled, or acquired in a thouſand different ways, by means *unlawful*, *unjuſt*, and *immoral*, in this great metropolis, is acquired by criminals of other deſcriptions, whoſe extenſive ravages on property are the more dangerous in proportion to the ſecrecy with which they are conducted.

CHAP. II.

The cauſes and progreſs of ſmall Thefts explained, and traced to the numerous Receivers of ſtolen Goods, under the denomination of Dealers in Rags, Old Iron, and other Metals.—The great increaſe of theſe Dealers of late years.---Their evil tendency, and the abſolute neceſſity of Regulations to prevent the extenſive Miſchiefs ariſing from the Encouragements they hold out to perſons of every age and deſcription, to become Thieves, by the purchaſe of whatever is offered for ſale.---A remedy ſuggeſted.

IN the preceding Chapter the ſmall theſts committed by perſons not known to belong to the fraternity of Thieves, are eſtimated to amount to the enormous ſum of £710,000. a year!

This diſcovery (except what relates to embezzled ſilk, cotton, and worſted) was originally made through the medium of a conſiderable dealer in Rags and Old Iron, and other Metals, who communicated to the Author much intereſting information, confirmed afterwards through other channels, the ſubſtance of which is hereafter detailed: namely,

1. That there exiſts in this metropolis (and alſo in all the towns where his Majeſty's dock-yards are eſtabliſhed) a claſs of Dealers, of late years become extremely numerous, who keep open ſhops for the purchaſe of *Rags*, *Old Iron*, *and other Metals*.
2. That theſe Dealers are univerſally, almoſt without a ſingle exception, the Receivers of ſtolen goods of every denomination; from a nail, a ſkewer, a key, or a glaſs bottle, up to the moſt valuable article of portable houſhold goods, merchandize, plate, or jewels, &c. &c.

3. That they are divided into two claſſes: *Wholeſale* and *Retail Dealers*. That the Retail Dealers are generally (with ſome exceptions) the immediate purchaſers in the firſt inſtance, from the pilferers or their agents; and as ſoon as they collect a ſufficient quantity of iron, copper, braſs, lead, tin, pewter, or other metals, worthy the notice of a large Dealer, they diſpoſe of the ſame for ready money, by which they are enabled to continue the trade.
4. That the increaſe of theſe old iron, rag, and ſtore ſhops has been aſtoniſhing within the laſt twenty years: from about *three* or *four hundred*, they have multiplied in this ſhort period to upwards of *three thouſand*, in the metropolis alone!
5. That although theſe ſhops (which are now to be ſeen in every bye-ſtreet and lane of the capital) exhibit only a beggarly appearance of old iron to public view, it frequently happens that they have large premiſes behind, where many rich articles of merchandize, but more particularly ſecond-hand metals, compoſed of various houſhold and ſhip's articles, moſt of which have been pilfered in a little way, are to be found; and which have been purchaſed by theſe dealers, often by falſe weights, and always under circumſtances where they make an immenſe profit.
6. That the opportunities which theſe old iron ſhops afford to *menial ſervants in private families, to apprentices, journeymen, labourers in the founderies, warehouſes and workſhops, of manufacturers, artiſans, and tradeſmen* of every deſcription, by receiving and paying down money for every article that is brought them without aſking a ſingle queſtion, have been the means of debauching the morals of a vaſt body of the lower orders of the people, young and old; and of carrying the ſyſtem of pilfering in a ſmall way, to an extent which almoſt exceeds credibility.
7. That as the leaſt trifle is received, the vigilance of the parties, from whom the articles are ſtolen, is generally eluded; by the prevailing practice of taking only a ſmall quantity of any article at a time.
8. That the articles thus received are generally purchaſed at about one-third the real value, and ſeldom at more than half; glaſs bottles in particular, are bought at one penny each, and no queſtion aſked: they are afterwards ſold to dealers in this particular branch, who aſſort and waſh them, and again re-ſell them to inferior wine-dealers at nearly the full value: this has become, of late, an extenſive line of trade.

9. That further facilities are afforded by the dealers in old iron, in the collection of metals, rags, and other articles purloined and ſtolen in the country; which are conveyed to town by means of *ſingle-horſe carts*, kept by itinerant Jews, and other doubtful characters, who travel to Portſmouth, Chatham, Woolwich, Deptford, and places in the vicinity of London, for the purpoſe of purchaſing metals from perſons who are in the habit of embezzling the King's ſtores, or from dealers on the ſpot, who are the firſt receivers; from them, *copper-bolts*, *nails*, *ſpikes*, *iron*, *braſs*, *lead*, *pewter*, and other ſhip articles of conſiderable value are procured. Theſe ſingle-horſe carts have increaſed greatly of late years, and have become very profitable to the proprietors.
10. That it is a known fact that ſome of theſe dealers in old metals, keep men employed in knocking the broad Arrow, or King's mark, out of the copper bolts, nails, and bar iron, whereon it is impreſſed, and alſo in cutting ſuch bar iron into portable lengths, after which it is ſold to the great dealers; who by this means are in ſome inſtances ſuppoſed to ſell the ſame article to the public Boards *two* or *three* times over.
11. That the trade thus carried on, is exceedingly productive both to the retail and wholeſale dealers; many of whom are become extremely opulent, and carry on buſineſs to the extent of from ten to thirty, and in ſome few inſtances, fifty thouſands a year in old metals alone.
12. That the quantity of new nails taken from the public repoſitories, and from private workſhops, and diſpoſed of at the old iron ſhops exceeds all credibility.
13. And finally, that the retail dealers in old iron, with ſome exceptions, are the principal purchaſers of the pewter pots ſtolen from the publicans, which they inſtantly melt down (if not previouſly done) to elude detection.

Thus it is that the lower ranks of ſociety are aſſailed on all hands, and in a manner allured to be diſhoneſt, by the ready means of diſpoſing of ſtolen property; unlawfully acquired, to ſatisfy *imaginary* and too frequently *criminal* wants, excited by the temptations which the amuſements and diſſipations of a great capital, and the deluſion of the Lottery hold out. It is ſurely a conſideration of great importance as a matter

of ſtate policy, *by what means ſuch an enormous evil is to be prevented?*

Its rapid growth within the laſt twenty years, and the effect it has upon the morals of menial ſervants and others, who muſt in the nature of things have a certain truſt committed to them, is a ſtrong reaſon why ſome effectual remedy ſhould be adminiſtered as ſpeedily as poſſible.

It ſeems, under all circumſtances, that the regulation of theſe iron ſhops, by licence, and by other reſtrictions connected with the public ſecurity, has become a matter of immediate neceſſity; for it is a dreadful thing to reflect that there ſhould exiſt and grow up, in ſo ſhort a period of time, ſuch a body of criminal dealers, who are permitted to exerciſe all the miſchievous part of the functions of pawnbrokers; enjoying equal benefits, without any of the reſtrictions which the public intereſt has made it neceſſary to extend to this claſs of dealers; who themſelves alſo require further regulations, which will be hereafter diſcuſſed.

But beſides the dealers in *old iron*, it will be neceſſary to extend the regulation propoſed, to dealers in *ſecond-hand wearing apparel*, whether *ſtationary* or *itinerant*; for through this medium alſo, a vaſt deal of bed and table linen, ſheets, wearing apparel, and other articles, pilfered in private families, are diſpoſed of; and money is obtained, without aſking queſtions, with the ſame facility as at the iron ſhops.

To prevent metals from being melted by receivers of ſtolen goods, and other perſons keeping crucibles and ſmelting veſſels, by which means the moſt infamous frauds are committed, to the evaſion of juſtice, by immediately melting plate, pewter pots, and every kind of metal that can be identified; it may be alſo neceſſary to regulate, by licence, all *founders of metals*; and alſo the horſe and truck carts uſed for the purpoſe of conveying old metals from place to place: ſo as, upon the whole, to eſtabliſh a *mild, but complete ſyſtem*

of prevention, by limiting the dealers in old metals and ſecond-hand wearing apparel, to the honeſt and fair part of their trade, and by reſtraining them with regard to that which is fraudulent and miſchievous.

At preſent theſe reſpective dealers may truly be ſaid to be complete peſts of ſociety. They are not, like pawnbrokers, reſtrained as to the hours of receiving or delivering goods. Their dealings are often in the night time, by which means they enjoy every opportunity of encouraging fraud and diſhoneſty.

It is impoſſible to contemplate the conſequences ariſing from the ſeduction of ſo many individuals, young and old, who muſt be implicated in the crimes which theſe abominable receptables encourage, without wiſhing to ſee ſo complicated and growing a miſchief engage the immediate attention of the Legiſlature, that a remedy may be applied as early as poſſible.*

* This remedy, as it reſpects Receivers of ſtolen Goods, is ſpecifically explained at the cloſe of the Eighth Chapter, *which* relates entirely to that ſubject, and to which the reader is particularly referred.

CHAP. III.

The ſubject purſued.---The wonderful extent and value of floating property laden and unladen in the Port of London in the courſe of a year.---The means uſed in perpetrating Small Thefts, and making depredations upon the River Thames.---The ſyſtematic aſſiſtance afforded by the Receivers of ſtolen Goods of various denominations, in connection with the plunderers on the River.---The additional opportunities ariſing from the preſent mode of diſcharging veſſels into lighters.---A Remedy propoſed.

THE immenſe plunder and pillage of merchandize and naval ſtores upon the River Thames has long been felt as a grievance of great magnitude; exceedingly hurtful to the Commerce of the Country and deeply affecting the intereſt of the Weſt-India-Planters, as well as every deſcription of merchants and ſhip-owners, trading to or from the port of London.

The ſubject of this Chapter will therefore be confined to a detail of the means by which theſe robberies are perpetrated, and to the remedies which appear to be beſt adapted to the cure of ſuch an enormous and growing evil: for certain it is that the increaſe has been regular and progreſſive, and that the eaſy manner in which property of this ſort is obtained and diſpoſed of, occaſions an acceſſion of plunderers every year.

The prevailing practice of diſcharging and delivering the cargoes of ſhips by a claſs of aquatic labourers, known by the name of *lumpers* and *ſcuffle-hunters*, is one principal cauſe of the evil ſo ſeverely felt; but it is not the only cauſe.

A conſiderable proportion of theſe labourers* have formed intimate connections with various purchaſers or receivers of ſtolen goods, as well as with other aſſociates: they thus acquire conſiderable facility and aſſiſtance in carrying on and in concealing a ſyſtem of the moſt ſhameful depredation, in which, from practice and experience, they become adepts; and, ſanctioned as they are by habit and cuſtom, and by being too often ſcreened from detection and puniſhment, by thoſe whoſe immediate duty it is to watch over their nefarious practices, they conſider it as a kind of right which attaches to their ſituation, to plunder wherever an opportunity offers.

To thoſe whoſe habits of life do not lead them into inveſtigations of this kind, the detail which is now to be given, will appear either incredible or greatly exaggerated: but whoever conſiders for a moment the aſtoniſhing extent and magnitude of the trade of the metropolis, and the multitude of veſſels laden and diſcharged in the River Thames, in the courſe of a year, will find upon due enquiry that £500,000, ſtated in the ſecond article of the eſtimate in the firſt Chapter, as the amount of the annual plunder, including merchandize, ſhips' ſtores, tackling, and proviſions, is by no means over rated.

In purſuing this inveſtigation, by an attentive conſideration of the ſpecific detail of the ſhipping, navigation and commerce of the River Thames, the mind is loſt in wonder at the unparalleled and rapid increaſe of the wealth and opulence of the capital: and while we have juſt cauſe to deplore thoſe enormities which are experienced, it is matter of conſiderable conſolation that the amount of the floating and moving property upon the River, (*which has trebled within the laſt forty years,*) renders it much eaſier to account for the melancholy eſtimate, than could have

* It is not here meant to criminate the whole of the lumpers.—It is ſincerely to be hoped, that moſt of the Maſters of the gangs may be pure, and perhaps a proportion of thoſe they employ.

been ſuppoſed at firſt view; more eſpecially when it is conſidered, that upon the aggregate value of ſuch property, which is upwards of ſeventy millions a year, greatly expoſed from the want of proper conveniencies for ſhipping and diſcharging goods, the average extent of the plunder does not much exceed *three quarters per cent.* as the following eſtimate will ſhew.

The enſuing Abſtract of the Imports into, and the Exports from the port of London is made up from the public accounts for one year, ending the 5th day of January 1795, but differs with regard to the value, from theſe accounts; in which the price is eſtimated on data eſtabliſhed many years ago, when the articles of commerce imported and exported were not rated at above half the ſum they now fetch, *exclaſive* of duty.

It is therefore to be underſtood that the following eſtimate is made upon the data of the *preſent value* as nearly as it can be aſcertained. It exhibits a very aſtoniſhing picture of the immenſe opulence and extent of the commerce of the Metropolis; and accounts in a very ſatisfactory manner for the vaſt reſources of the Country, which have been manifeſted in ſo eminent a degree, in the courſe of the preſent and former wars.

Names of the Countries.	Value of Imports into London.			Value of Exports from the Port of London to Foreign Parts. Brit. Manufact.			For. Merchand.		
Ireland	2209501	3	4	168687	18	3	914352	4	4
Britiſh Weſt Indies	6072117	5	0	2249043	13	11	579453	6	0
Conquered Iſlands	1226064	13	8	260976	0	11	110817	18	0
Brit. American Colonies	307412	13	0	654842	19	4	251551	6	2
Guernſey and Jerſey	91936	1	2	12001	13	10	21616	16	8
Gibraltar	12947	16	8	83473	14	11	69315	2	8
Honduras Bay	14696	4	2	2029	18	11	2550	16	2
South Fiſhery	197680	8	6	21	6	8			
Aſia, including E. Indies	3916950	2	10	3398680	1	4	185190	16	0
Africa	66013	8	4	90593	12	9	188743	16	6
Turkey	641860	19	2	32065	12	0	123776	7	2
Streights	8389	14	0						
Venice	82107	16	0	6203	17	11	19305	7	2
Italy	1215012	15	0	809 80	18	9	340786	0	8
Spain	1070697	18	0	205096	4	4	265169	3	4
Portugal	644610	3	8	182780	6	2	119813	12	6
Madeira	7479	16	8	27998	6	10	6886	18	2
Canaries	6763	19	10	20116	18	4	377	5	2
France	130	6	8	3216	5	3	63625	10	6
Auſtrian Flanders	137249	5	0	129413	9	7	887042	18	10
Holland	1203515	3	6	114458	3	7	1968687	3	4
Germany	1089307	19	4	1044634	18	0	6176100	14	8
Pruſſia	196657	3	2	54380	14	0	272719	17	4
Poland	104978	10	4	7022	11	10	57067	2	4
Sweden	262727	3	4	33845	5	6	111457	14	4
Ruſſia	1269688	9	6	95519	8	8	491244	9	2
Denmark and Norway	166366	1	0	147340	5	11	545509	19	8
Greenland	26753	11	2						
United States of America	811511	18	8	2251280	12	1	429248	7	8
Florida	16239	16	0	38067	0	3	8355	0	0
Foreign Weſt Indies	56240	2	0	1767	13	10	60	0	0
Prize Goods	1572860	8	8						☞
£	29706476	17	4	11396539	12	8	14208915	14	6

RECAPITULATION.

The aggregate Value of Goods imported into London in one year — £29.706.476 17 4

Britiſh Merchandize exported	£11.396.539 13 8	
Foreign Merchandize, ditto	£14.208.915 14 6	
		£25.605.455 8 2

Value of Goods imported in upwards of 9000 Coaſting Veſſels, averaged at £500 each — £4.500.000 0 0

Value of Goods exported coaſtways in about 7000 veſſels, at £1000 each — £7.000.000 0 0

£11.500.000 0 0

Total amount of Property ſhipt and unſhipt in the River Thames in the courſe of a year eſtimated at — £66.811.932 5 6

Beſides the numerous ſmall inland cargoes of coals, merchandize, grain, malt, flour, and other articles laden and diſcharged in the Thames, and the River Lea; and alſo the tackling, apparel, proviſions and ſtores of above 13.500 ſhips and veſſels (including their repeated voyages) which lade and unlade in the courſe of a year, eſtimated (in what may be called *moving property*, liable to depredation and plunder) at four millions ſterling more!

☞ Included in the accounts of each country.

The cargoes of the Weſt-India ſhips are the principal objects of attention with the lumpers and their aſſociates, who are ſuppoſed to plunder from each ſhip not leſs than ten hundred weight of ſugar a day, during the period of the diſcharge; and it is eſtimated by an intelligent writer, that upon Weſt-India produce imported (*communibus annis*) the merchants, ſhip-owners, and Planters at preſent loſe £150,000, and the Revenue £50,000. by pillage and plunder alone. The preſent average importation of ſugar only, amounts to no leſs than one hundred thouſand hogſheads a year!

Theſe aquatic labourers are for the moſt part in connection with the journeymen Coopers and Watermen, who are alſo ſuppoſed to ſhare in the plunder. —They generally go on ſhore three times a day, and being *in a body together*, it is difficult, and ſometimes not very ſafe, for a Trinity or Police Officer to attempt to ſearch or to ſecure even one of them. By the contrivance of a thin ſack ſuſpended by ſtrings from the ſhoulders, and placed under the waiſtcoat, a ſurpriſing quantity of ſugar is carried away; exhibiting to the ſuperficial obſerver only the appearance of the natural protuberance of the belly. Others who are not provided with ſuch ſacks, fill their hats, pockets, and trouſers with large quantities of raw ſugars; a fact which has been often aſcertained by officers of juſtice who have apprehended them (*ſo loaded*), under the authority of the Bum-boat Act.

The fraudulent part of theſe *lumpers* having from long practice eſtabliſhed a prompt and ſyſtematic plan of ſale, proceed immediately with their plunder to thoſe who they know will purchaſe without aſking queſtions. Namely, petty grocers, publicans, and dealers in old iron, and what is called *hand ſtuff and old ſtores*; the latter claſs being inhabitants of the ſtreets bordering on the river, where they are extremely numerous and increaſing every day; and, be-

ing on the ſame footing with iron ſhops, are likewiſe proper objects for ſimilar regulations.*

Beſides the depredations which theſe River Plunderers make upon the property of their employers, in the manner already deſcribed, they practiſe another device, by connecting themſelves with men and boys, known by the name of *mud-larks*, who prowl about, and watch under the diſcharging ſhips when the tide will permit, and to whom they throw *ſmall parcels of ſugar*, *coffee*, and others articles of plunder which are conveyed to the receivers by theſe *mud-larks*, who generally have a certain ſhare of the booty.

Beſides theſe aſſociates in villainy, ſcullers and other boats are, in like manner, conſtantly hovering about and under the diſcharging ſhips, upon pretence of carrying paſſengers and baggage; into which handkerchiefs of ſugar and coffee, bladders of rum, kegs of tamarinds, and even bags of cotton, ſacks of wheat or flour, and in ſhort every portable article that can be ſafely plundered, are paſſed through the ſcuttles and port-holes of the ſhips; and immediately concealed by the pretended watermen, who, if purſued by the Trinity or other Officers, generally ſink the goods to avoid the penalties of the law; but for the moſt part theſe adepts find means to elude the vigilance of the Officers, and to convey the plunder, under the regular ſyſtem they have eſtabliſhed, to their friends the receivers; who being under no legal reſtraint, immediately cover and protect their agents from all hazard of puniſhment.

But there are other modes by which the property of the merchants is ſaid to be embezzled and plundered, even to a greater extent than by the *lumpers*, the *mud-larks*, or the *pretended watermen*.

The depredations alluded to are made by what may be denominated gentlemen-plunderers or perſons who keep *lumber-yards*, ſmall *hemp* and *ſtore ſhops*;

* Vide Chapter VIII, for a detail of theſe propoſed Regulations.

ſpirit dealers and *ſmall grocers*; theſe inſinuate themſelves into the good graces of perſons who are known to have ſome truſt on board of ſhips which are under diſcharge, and keep boats and ſervants for the purpoſe of plundering, on a more enlarged ſcale, by which many of them make fortunes in a few years: Theſe being more latent, are not ſo generally known, although from the extent of their dealings they are far more pernicious than the inferior claſs of thieves.

The operations of theſe gentry are generally carried on during the night, or on thoſe intervals when the diſcharge of a ſhip is ſuſpended for want of craft; rum and other liquors are drawn off with cranes made on purpoſe, and conveyed into bladders containing from two to ſix gallons each. Theſe bladders are immediately put into the boats which are in attendance together with quantities of ſugar, coffee, and other portable articles, according to the nature of the cargo; all which are conveyed to an appointed place, where perſons are ſtationed on ſhore to give notice by a particular ſignal or watch-word when the cargo may be ſafely landed.

It would fill a volume to recount the various devices and tricks reſorted to for the purpoſe of obtaining this ſpecies of plunder. Beſides the different claſſes of delinquents which have been named, there are gangs of more audacious offenders, known by the name of River Pirates, who ply upon the Thames during the night, in boats provided for the purpoſe; and forcibly plunder whatever they can obtain from lighters, or upon the quarters or decks of ſhips, either lading or diſcharging, including the tackle or apparel of veſſels not ſufficiently guarded, or where the crews are either aſleep or not of ſufficient ſtrength to reſiſt them. A gentleman of undoubted veracity, and whoſe habits of life have afforded him many opportunities of knowing the nature and extent of the depredations on property afloat in the River Thames, has obligingly communicated to the Author the fol-

lowing inſtances which came within his own immediate knowledge.

An American veſſel lying at Eaſt-lane Tier, was boarded in the night, while the Captain and crew were aſleep, by a gang of theſe river pirates, who actually weighed the ſhip's anchor and hoiſted it into their boat, with a complete new cable, with which they got clear off. The Captain, hearing a noiſe, dreſſed himſelf, and came upon deck juſt as theſe raſcals were ready to ſet off, and they actually rowed away in his preſence, after telling him they had got his anchor and cable, and bidding him good morning.

Another inſtance of the ſame kind happened with a veſſel from Jerſey, whoſe bower anchor was weighed, and with the cable, plundered and carried off in the ſame way.

Although only theſe two inſtances of extraordinary audacity are ſpecified, many others, equally aſtoniſhing, could alſo be adduced. When veſſels firſt arrive in the River they are generally very much lumbered, eſpecially thoſe from the Weſt Indies. This is the harveſt of theſe river pirates, with whom it is no uncommon thing to cut away bags of cotton, cordage, ſpars, oars, &c. from the quarters of veſſels, and to get clear off, even in the day time as well as in the night. And as all the other claſſes of labourers who work on the River are more or leſs aſſociates in the ſame ſpecies of criminality, they connive at the delinquency of each other: and hence it is that with ſo many opportunities and with ſuch a perfect ſyſtem for the purpoſe of concealing fraud, ſo very few are detected.

Many of the lightermen are alſo ſuppoſed to be deeply concerned in this complicated ſyſtem of pillage and plunder, and they too have their tricks and devices for the purpoſe of robbing the Shippers and Importers of their property.

A Canada merchant who had been accuſtomed to ſhip quantities of oil annually to the London mar-

ket, finding (as indeed almoſt every merchant experiences) a conſtant and uniform deficiency in the quantity landed, greatly exceeding what could ariſe from common leakage, which his correſpondents were quite unable to explain; having occaſion to viſit London, was reſolved to ſee his cargo landed with his own eyes; ſo, as if poſſible, to develope a myſtery heretofore inexplicable, and by which he had annually loſt a conſiderable ſum for ſeveral years. Determined therefore to look ſharp after his property, he was in attendance at the wharf in anxious expectation of a lighter which had been laden with his oil on the preceding day, and which, for reaſons which he could not comprehend, did not get up for many hours after the uſual time.

On her arrival at the wharf, the proprietor was confounded to find the whole of the caſks ſtowed in the lighter with their bungs downwards. Being convinced that this was the effect of deſign, he began now to diſcover, one of the cauſes at leaſt, of the great loſſes he had ſuſtained; he therefore attended the diſcharge of the lighter until the whole of the caſks were removed, when he perceived a great quantity of oil leaked out, and in the hold of the veſſel, which the lightermen had the effrontery to inſiſt was their perquiſite. The proprietor ordered caſks to be brought; and filled no leſs than 9 of them with the oil that had thus leaked out. He then ordered the ceiling of the lighter to be pulled up, and found between her timbers as much as filled 5 caſks more; thus recovering from a ſingle lighter load of his property, no leſs than 14 caſks of oil, that, but for his attendance, would have been appropriated to the uſe of the lightermen; who after attempting to rob him of ſo valuable a property, complained very bitterly of his ill uſage in taking it from them.

In many caſes where goods are put into lighters, it is no uncommon thing to cut the lighters adrift, and

when out of the view of the watchmen, immediately to commence their pillage.

One inſtance of this ſort has been mentioned to the author, from a ſource of undoubted authority; a lighter, with tallow was cut from a ſhip in the Pool, and was next morning diſcovered athwart the tier, near Cherry Garden, with ſix caſks of tallow rolled off her, and removed, and two more broke open, and the chief part plundered.

The lumpers, however, have the largeſt ſhare of the plunder on the River. Their ſyſtem has been long matured, and they are prepared at all points with iron crows, and hand vices to draw nails without noiſe, and apparel made with a view to this object; for, beſides the bag already deſcribed, they are generally furniſhed with two pair of trowſers, and with frocks made in a particular manner, with large pockets, for the greater convenience of concealing and conveying plunder. It has even been aſſerted, that, with ſome exceptions, it is no uncommon practice to obtain, from gangs of lumpers a *premium*, merely for the liberty of being permitted to labour *gratuitouſly* in the diſcharge of veſſels having particular cargoes on board. Wages become no object at all wherever there is a prolific harveſt for plunder.

The watermen who aſſiſt theſe lumpers are alſo large ſharers in the plunder they aſſiſt in removing.—An apprentice, in this line, has been mentioned to the Author, as keeping both a miſtreſs and a riding horſe from the profits of his delinquency.

There exiſts at preſent a club of working lumpers, where above ſixty of theſe plunderers meet regularly, and ſubſcribe a certain ſum for eſtabliſhing a general fund; out of which the penalty of 40s. adjudged under the Barn-boat Act, to be paid by every perſon convicted of conveying goods pilfered from veſſels, is regularly diſcharged; by which means the delinquents, inſtead of going to gaol, are enabled to return to their former criminal purſuits.—Some of

the members of this club, although apparently common labourers, are ſaid to have their houſes furniſhed in a very ſuperior ſtile, and to be poſſeſſed of property in the funds to the extent of from £1500. to £2000.

Inferior Officers of the Cuſtoms, and particularly that claſs of ſupernumerary tideſmen who are employed, *pro tempore*, when there is hurry of buſineſs, and who, from that circumſtance, are called *glutmen*, are ſuppoſed to connive, as well as ſome of the ſtationary Officers, at improper practices of theſe various offenders, and alſo to ſhare in the plunder;* nor is this much a matter of wonder, when it is conſidered that theſe *glutmen* are generally compoſed of perſons who are without employment, and being alſo without character, recommend themſelves principally from the circumſtance of being able to write.

Thus various and complicated ſyſtems of pillage and plunder are proved to exiſt by the conſtant and unaccountable deficiencies which are manifeſt in almoſt every cargo that is diſcharged; but more particularly Weſt India cargoes, where the ſhip-owners have often ſums of money to pay on this account.

The prevalence of the evil is alſo manifeſt, in a great degree, from the ſeizures that are made, not only by the Officers of the Cuſtoms and Exciſe: but alſo, by the Trinity and Police Officers, under the *Act of the 2d of his preſent Majeſty*, (cap. 28) *for preventing Theſts and Frauds by perſons navigating bum-boats and other boats, on the River Thames*, already ſo frequently alluded to.

But the miſchief is not merely confined to River Plunderers; ſince it is well known, that every public wharf and quay, where goods of any deſcription are laden or landed, is filled with numbers of criminal

* One thouſand ſix hundred men are employed in the Cuſtom-Houſe of London, the major part of whom are on River duty as watchmen—thirty of theſe inferior Officers are generally put on board each Eaſt India ſhip, five or ſix on board each Weſt Indiaman, and the like proportion on board of other veſſels, according to their ſize; all of whom are generally fed and maintained at the expence of the Owners.

people, discharged by acquittals, or by gaol-deliveries: and with others who, having lost all character for honesty, can find no master who will give them employment.

Those (who are distinguished by the nick-name of *Scuffle-hunters*) prowl about the wharves, quays, and warehouses, under pretence of asking employment as porters and labourers; but their chief object is to pillage and plunder whatever comes in their way, and for this purpose, they are constantly upon the watch.

It rarely happens, that a Magistrate, in investigating the history and employment of an idle or suspicious character, or Lottery vagrant, does not find that they have either worked at the water-side, or if of a superior cast, that they have been employed as Custom House Officers,—meaning thereby, that they were *glutmen*, as already explained.

The evil is certainly of great magnitude; and when it is shewn also to extend to the tackle and apparel of the ships and vessels lying in the Thames, as well as to their cargoes; it becomes a matter of important consideration by what means it is to be remedied.

No doubt can be entertained but the restrictions by licence and other regulations, which are proposed to be extended to the Keepers of *old iron*, *rope*, *rag*, and *store shops*, who may be truly said to be the manufacturers and nourishers of thieves, from the child of tender years to the adult, would go a great way to cure the evil: but there seems, in this case, to be a collateral system necessary to aid such regulations, which will perhaps depend more on measures to be adopted by the merchants and ship-owners themselves, than on any legislative regulation.—The most obvious of these are, the appointing a confidential person to lock up the hatches and bulk-heads of all vessels under discharge, in the evening, and to open them again in the morning, so that no one might have access to the cargo during the night; and also, that a

perſon properly authoriſed ſhould attend conſtantly on board, with an officer of juſtice, to ſearch all lumpers, glutmen, and others, as often as they depart from the ſhip; indeed the moſt effectual way would be to apply to Parliament, for the appointment of proper inſpectors, who ſhould find good ſecurity, and with their aſſiſtants, for whom they ſhould be reſponſible, attend the delivery of each cargo, and ſecure the hatches every evening—As the Revenue is now greatly injured by the plunder and pillage which at preſent prevails, Government becomes intereſted, no leſs than the merchants, in applying a remedy.

But the chief miſchief ariſes from ſo many veſſels with valuable cargoes being compelled to diſcharge in the Pool, and to ſend the goods on ſhore in lighters.—And this is only to be corrected, completely, by the erection of proper docks and quays for landing goods, under ſuch circumſtances as would prevent the neceſſity of any intermediate tranſit from the ſhips to the warehouſes.

At preſent there are no leſs than ſix ſtages of danger where goods are liable to be plundered.

1. In the hold of the veſſel; from the circumſtance of the diſcharge taking place in the River.
2. In the tranſit from the ſhip to the wharves, in lighters.
3. In landing from the lighters upon the wharves.
4. In lying expoſed upon the wharves or quays, waiting for the Revenue Officers.
5. In the tranſit from the wharves to the warehouſes.
6. In the ſtowing away in the warehouſes.

In all theſe ſtages numbers of delinquents are conſtantly upon the watch to avail themſelves of every opportunity whereby they can acquire booty.

The grand remedy therefore would certainly be in the formation of docks, and in the buildings of quays or wharves, and warehouſes, properly incloſed;

where goods could be immediately conveyed from the ſhips, into the repoſitories of the merchants.

Since the Author publiſhed the firſt Edition of this Work, he has, with great ſatisfaction, obſerved a riſing ſpirit of improvement with regard to the Port of London. Should this ſpirit produce the completion of any of the great deſigns that have been meditated, ſuch as ſhall, on mature conſideration, be beſt adapted to the object in view, immenſe and incalculable advantages will reſult from the meaſure.

Aſtoniſhing in point of magnitude and extent as the trade of the Port of London is at preſent; far, very far, beyond that of any other Port in the world: improvements of this nature would raiſe it infinitely higher. The convenience to be afforded to the general trade of Europe and America, by means of a warehouſing ſyſtem, giving facilities without expence, would render this City a general Entrepôt for a large proportion of the commerce of the world.

Every thing connected with the ſtate of Europe appears favourable, for the accompliſhment of this extent of commercial aggrandizement; and affords an additional incentive to promote the projected improvements: without which advantages ſo highly beneficial to the Public, will be irrecoverably loſt.

The introduction and eſtabliſhment of *ſecurity facility, and œconomy* in the tranſit of merchandize is one of the firſt objects of importance; in a free commercial State; and the deſign of the docks, when accompliſhed, will be the means, and perhaps the only effectual means, of obtaining theſe objects.

When the amazing amount of the eſtimated plunder is conſidered, which, by this and other arrangements, will be prevented, the expence is not worthy a moment's heſitation. But when to this are added alſo the benefits, which muſt reſult from a bonding ſyſtem and a *Free Port*, making LONDON the grand Depôt for the commerce of the world: no pecuniary ſacrifices *can* be too great to accompliſh a plan of ſuch

importance, not only to the metropolis: but alſo to the whole nation.

It is needleſs to inſiſt at length on the peculiar advantage which would be obtained by the State from the increaſe of revenue—from the ſuppreſſion of ſmuggling as well as plunder; and from that ſyſtem of œconomy and ſaving in ſalaries which would reſult from the diſcharge of the *legion* of ſubordinate officers employed at preſent, often miſchievouſly, under pretence of watching ſhips; whoſe labour might then be rendered more productive to the country, and certainly leſs injurious to their morals, by being employed in purſuits of honeſt induſtry.

Nothing, (it muſt be repeated,) can poſſibly convey to the mind a more exalted idea of the proud height to which the commerce of the city of London has arrived, than the eſtimates of its imports and exports, already inſerted in this Chapter.

Thirteen thouſand five hundred veſſels, (beſides the numerous River-Craft) arriving and ſailing from a ſingle port in the courſe of a year, and bringing and carrying away property to the extent of between *ſixty* and *ſeventy millions* ſterling, which produces a groſs revenue of *ſix millions* a year, in the Cuſtoms, independent of the immenſe impoſts of Exciſe, cannot fail to eſtabliſh a very high idea of the great opulence of the Metropolis; and of the unparallelled reſources which can move and keep afloat ſuch a vaſt commercial ſyſtem—which amounted only to one-third of its preſent extent in the year 1753, and is now equal to three fifth parts of the whole trade of England.

The acceſſion of wealth, thus rapidly flowing into the Capital, through the medium of trade and commerce, muſt, in the nature of things, produce an increaſe of crimes. And the great object for conſideration is, "*while we encourage and uſe every proper means* "*to advance the former: how the latter is to be decreaſ-*"*ed or kept within due bounds.*"

This can only be done by eſtabliſhing a correct ſyſtem of police, aided by that ſpecies of ſuperintendance which ſhall produce intelligence, and excite vigilance, in a department now become of the higheſt importance to the Metropolis.

The prevention, in a great meaſure, of pillage and plunder in the River Thames, is by no means impracticable :—it only requires exertion and perſeverance in purſuing the object recommended in this work : and when it is conſidered, that beſides the protection of ſo vaſt a property as muſt be annually ſaved by a proper ſyſtem, ſeveral thouſands now engaged in theſe nefarious practices, will be compelled to become honeſt, and to truſt to the liberal wages ariſing from labour for their ſupport, in lieu of indulging themſelves in profligacy and idleneſs, crimes always ariſing from the eaſe and facility by which money is unlawfully obtained ;—it becomes a matter of the very firſt importance, not only to the commerce of the country ; but alſo the beſt intereſts of the State, in the preſervation of the morals of the people, that ſome effectual meaſures ſhould be adopted as early as poſſible.

CHAP. IV.

Reflections on the Cauſes of the prevailing Abuſes, Frauds, Plunder, and pillage, in the Navy, Victualling and Ordnance Departments, in Ships of War and Tranſports, and in the Dock-Yards and other Public Repoſitories—A Summary View of the Laws at preſent applicable to theſe Objects.—Their deficiencies explained, with Obſervations on the Means of improving them.—The exiſting Abuſes analized.—Remedies propoſed and explained.

UNDER the preſſure of thoſe accumulated wrongs which conſtitute the extenſive frauds, embezzlements, pillage and plunder, known and acknowledged to exiſt in the Dock-yards and other public repoſitories, it is not eaſy, at firſt view, to aſſign a reaſon for that apparent ſupineneſs, on the part of men of known honor and integrity, who have heretofore preſided, and who now preſide at the public Boards, in not uſing the means neceſſary to remedy ſo great an evil.

This may poſſibly be accounted for, by the extreme difficulty which men, conſtantly occupied in a laborious buſineſs, find in purſuing enquiries, or forming arrangements, out of their particular ſphere; more eſpecially when ſuch arrangements require thoſe powers of buſineſs, as well as that ſpecies of legal and general information, which does not attach to men whoſe education and habits of life have run in a different channel.

Under ſuch circumſtances, it is ſcarcely to be wondered at, that greater efforts have not been uſed, (for great efforts are unqueſtionably neceſſary,) to cor-

rect thoſe abuſes, which have long exiſted, and which have been progreſſively increaſing; by means of which not only the property of the Public ſuffers a vaſt annual diminution by frauds and embezzlements; but the foundation of all morals is ſapped; and the moſt baneful practices extend even to men in the upper and middle ranks of ſociety; who are too ſeldom reſtrained by any correct principle of rectitude in tranſactions, where the intereſt of Government only is concerned; either in the ſupplying, or afterwards in the taking charge of the cuſtody of Public Stores.

When the object in view is to acquire money, the power of example, ſanctioned by uſage and cuſtom, will reconcile men by degrees, to enormities and frauds which at firſt could not have been endured.—Acting under this influence, it too often happens that a diſtinction is made, as regards moral rectitude, in the minds of many individuals, between *the property of the nation*, and *private property*.—While the moſt ſcrupulous attention to the rules of honor prevails in the latter caſe, principles, the moſt relaxed, are yielded to in the former.

And thus it is, that in ſuch ſituations, inferior agents alſo, induced by example, become inſenſibly reconciled to every ſpecies of fraud, embezzlement, and peculation.

It is no inconſiderable ſource of the evil, that large gratuities are given, under the colour of fees, to thoſe who can aſſiſt in promoting the views of the fraudulent, or in guarding them againſt detection.—What was at firſt conſidered as the wages of turpitude, at length aſſumes the form, and is viewed in the light of a fair perquiſite of office.

In this manner abuſes multiply, and the ingenuity of man is ever fertile in finding ſome palliative.—Cuſtom and example ſanction the greateſt enormities; which at length become fortified by immemorial and progreſſive uſage; it is no wonder therefore, that the

ſuperior Officers find it an Herculean labour to cleanſe the Augean ſtable.

A hoſt of intereſted individuals oppoſes them.—The taſk is irkſome and ungracious.—The reſearch involves in it matter of deep concern, affecting the peace, comfort, and happineſs of old ſervants of the Crown or the Public, and their families; who have not perhaps been ſufficiently rewarded for their ſervices; and who, but for ſuch perquiſites, could not have acquired property, or even ſupported themſelves with decency.

It is an invidious taſk to make enquiries, or to impoſe regulations which may ultimately affect the intereſt or the character of dependants, who have heretofore perhaps been regarded as objects of partiality or affection:—Thoſe whoſe duty it is to ſuperintend the departments, knowing their own purity, are unwilling to believe that the ſame principle of rectitude does not regulate the conduct of others in inferior ſituations; and matters, of apparently greater importance, conſtantly forcing themſelves upon their attention, the conſideration of ſuch abuſes is generally poſtponed: While thoſe who detect or complain of their exiſtence, ſeldom meet with much encouragement; unleſs ſome ſpecific act of criminality is ſtated, and then it is referred, as a matter of courſe, to the proper law-officers.

Theſe circumſtances, however, only prove the neceſſity of ſome other and more effectual agency to remove *an evil*, which, (if the aſſertions of thoſe whoſe official ſituations give them acceſs to the very beſt information as to its extent and enormity, are correct,) *is of the greateſt magnitude*, and calls aloud for immediate attention.

It is calculated, by perſons well informed on the ſubject, that the frauds upon the public, including the embezzlements, pillage, and plunder of the public ſtores at Portſmouth alone, amount nearly to *one mil-*

lion ſterling a year during war, and to half that ſum *in time of peace*.

Incredible as this may ſeem at the firſt bluſh, it will not, upon reflection, aided by a minute and accurate knowledge of circumſtances appear to be an exaggerated eſtimate.

But whether it ſhall be preciſely accurate or not is of the leſs conſequence, ſince it ſtands admitted as an uncontrovertible fact *that the evil is enormous*, and that the loſs to the public, ariſing from the exiſting abuſes, is increaſing every year.

A remedy therefore ought to be adminiſtered :— and it becomes the peculiar duty of Magiſtrates, who may have had opportunities collaterally to develope theſe abuſes, in the detection of offenders diſpoſing of public property, not only to bring them to juſtice, but alſo to ſuggeſt what ſhall occur as the beſt means of prevention.

To underſtand how this is to be accompliſhed, it will be neceſſary to examine the nature and effect of the exiſting laws made for the protection of his Majeſty's naval and military ſtores.

The Acts of the 31ſt of Elizabeth, (cap. 4.) and the 22d of Charles II. (cap. 5.) made it felony, without benefit of Clergy, to ſteal or embezzle any of his Majeſty's military or naval ſtores or proviſions, above the value of Twenty Shillings.

By the 9 and 10 of William III. (cap. 41.) the receivers of embezzled ſtores, or ſuch as ſhould have the ſame in their cuſtody, are ſubject to a penalty of £200.

From this period, till the 1ſt of George the Firſt, the attention of the Legiſlature does not ſeem to have been directed to this object; when by the ſtatute, 1. Geo. I. ſtat. 2. cap. 25, the principal Officers or Commiſſioners of the Navy were authoriſed to iſſue warrants to ſearch for public property ſtolen or embezzled, and to puniſh the offenders by fine or impriſonment.

A ſucceeding act, (9. Geo. I. cap. 8.) empowered the Judges to mitigate the fine of £200. impoſed on perſons having in their poſſeſſion public ſtores, and to pu-

niſh the offenders corporally, by cauſing them to be publicly whipped, or kept at hard labour for ſix months in the Houſe of Correction; which certainly was a great improvement.

By the Act 17. Geo. II. c. 40. juriſdiction was given to the Judges of Aſſize, and the General Quarter Seſſions, to try the offenders, and puniſh them by a fine not exceeding £200. only, impriſonment for three months, and other corporal puniſhment.

The laws on this ſubject were further amended by the 9th of his preſent Majeſty, cap. 35; by which the *Treaſurer*, *Comptroller*, *Surveyor*, *Clerk of the acts*, or any Commiſſioner of the Navy, are empowered to act as Juſtices in cauſing offenders to be apprehended and proſecuted.—Theſe powers were given with a view to eſtabliſh a greater degree of energy in detections: but experience has ſhewn that the purpoſe has not been anſwered.

The laſt act which relates to the protection of the public ſtores, was made the 12th year of his preſent Majeſty's reign, (cap. 24.) and related ſolely to burning ſhips, warehouſes, and naval, military, or victualling ſtores, in any of the dominions of the crown; which offence is made felony without benefit of Clergy.

A very ſuperficial view of the above laws will demonſtrate their inſufficiency to the object of *prevention*. And even if they were complete, the taſk impoſed on the public officers, who are on every occaſion to act as Juſtices, has proved from experience to be a meaſure ill calculated to attain the object in view, namely, the detection of offenders;—otherwiſe the evil would not have increaſed.

Should the ſyſtem of regulating the dealers in old metals, and ſecond-hand naval-ſtores and hand-ſtuff, already ſuggeſted, and hereafter more particularly inſiſted on (*ſee Chap.* 8.) be adopted, and become a general law; or ſhould it be extended only to places within ten miles of every Dock-yard, it would have a moſt powerful operation in preventing many of the abuſes which are now practiſed; and it would further the ſame good purpoſe if the Act of the 2d. of his preſent Majeſty, (cap. 28.) entitled, *an Act to prevent*

committing of frauds and thefts, by perſons navigating bum-boats, and other boats on the River Thames, were extended to Sheerneſs, Chatham, Portſmouth, and Plymouth, with ſuch alterations and amendments as might apply to local circumſtances.

If alſo, in order to give vigor and energy to the execution of theſe exiſting or propoſed laws a Police-Office, with two able, intelligent, and active Magiſtrates of tried virtue and integrity, were to be eſtabliſhed at each of the dock-yards, with proper boats and officers under their direction; the multitude of perſons who now ſupport themſelves by plunder would be compelled to become honeſt, while the ſaving to the nation would exceed all calculation.

Having ſaid thus much, it may now be proper to enter into ſome detail of the moſt prominent abuſes; in order to elucidate the exiſting evils, as well as the propoſed remedy.

Theſe abuſes are multifarious, and are perpetrated through the medium of a vaſt variety of agencies, which naturally divide themſelves into two diſtinct branches.

The firſt relates to frauds committed by the connivance and aſſiſtance of clerks, ſtore-keepers, and inferior officers in the Dock-yards, and other repoſitories, and in ſhips of war and tranſports; *in receiving and delivering Naval, Victualling, and Ordnance ſtores*;—*in ſurveys*;—*in returns of unſerviceable ſtores*;—*in* what is called *ſolving off ſtores*;—*in fraudulent certificates*;—*in the ſale of old ſtores*: and innumerable other devices; by which a number of individuals are enriched at the public expence; and a ſyſtem of plunder is ſupported by fraudulent documents and vouchers of articles which have no exiſtence but upon paper.

The ſecond branch relates to the actual pillage of *new and Old Cordage, Bolts of Canvas, Sails, Bunting, Twine of all ſorts, Fearnought and Kerſey, Leather and Hides, old and new Copper, Locks, Hinges and Bolts, Copper Bolts and Nails in immenſe quantities, Bar-Iron,*

old Iron, Lead and Solder, Ship's-Plank, Oars, Timber, of ſmall ſizes, Blocks, Quarterſtuff, Candles, Tallow, Oil, Paint, Pitch, Tar, Turpentine, Varniſh, Roſin, Beer and Water Caſks, Iron Hoops, Biſcuit Bags, Beer, Bread, Rum, Oil, Vinegar, Butter, Cheeſe, Beef, Pork, &c.— All theſe articles ſuffer a vaſt annual diminution, by means of that plunder which has become habitual to a number of the inferior ſervants of the Crown, who have in their reſpective ſituations, acceſs to ſuch ſtores.*

This ſpecies of plunder is much encouraged by the difficulty of detection: Vaſt quantities are conſtantly provided, and the ſtore-houſes are generally full; it happens therefore as a matter of courſe, that the articles which were recently depoſited are iſſued firſt; and hence many valuable ſtores, it is ſaid, have remained untouched and and unſeen for forty or fifty years, until a number of articles periſh or become unſerviceable from length of time.—An annual inventory, rendered practicable by more extenſive ſtore-houſes, would remove this obvious inconvenience.

All ſtores being delivered under the authority of warrants ſigned by the commiſſioners and proper officers, the clerks, or in their abſence the foremen of the warehouſes where the articles ſtated in the warrants are depoſited, deliver the ſtores; and, if opportunities offer, large additional quantities are alſo ſent out, by the connivance of the inferior officers; ſometimes ſtores are even delivered three or four times over, under colour of the ſame warrant, without diſcovery.

A ſimilar ſyſtem prevails with regard to ſtores ſent to the public repoſitories from diſmantled ſhips of war and tranſports.

* It is by no means to be inferred from what is here ſtated, that there are not, both among the furniſhers and contractors for public ſtores, as well as the officers and clerks employed in the departments here alluded to, many individuals of great honour and integrity.—It is to be hoped, the fraudulent are the ſmalleſt, in point of number, or that they will ſoon be ſo.

Many veſſels in the coaſting trade, and even ſhips of foreign nations, it is ſaid, touch at Portſmouth and Plymouth merely for the purpoſe of purchaſing *cheap ſtores* :—and it is well known that many dealers in naval ſtores in the neighbourhood of the Dock-yards are chiefly ſupplied in this way.

The plan which prevails at preſent with regard to the ſale of old ſtores, not only proves a kind of ſafeguard to theſe fraudulent dealers ; but is alſo in itſelf ſubject to great abuſes, from the delivery of larger quantities than are actually included in the public ſales, by which the parties concerned, pocket conſiderable ſums of money.

The artificers in the dock-yards, availing themſelves of their perquiſite of Chips, not only commit great frauds, by often cutting up uſeful timber, and waſting time in doing ſo ; but alſo in frequently concealing, within their bundles of chips, copper bolts, and other valuable articles, which are removed by their wives and children, and afterwards ſold to itinerant Jews, or to the dealers in old iron and ſtores, who are always to be found in abundance wherever the dock-yards are ſituated.*

* It ſeems evident that the abolition of the perquiſite of Chips would be a great improvement, and prove the means of correcting many groſs abuſes which at preſent prevail : It is eſtimated that 3000 ſhip-wrights are employed in the ſeveral dock-yards at the wages of 2s. 1d. with the privilege of one bundle of chips each day, which though not worth more than 6d. to each ſhip-wright, actually coſts Government 1s. 6. becauſe good and valuable timber is often cut down to make theſe chips.—The following eſtimate will elucidate what has been ſtated ; and ſhew the benefits which Government would probably derive from the abolition of this perquiſite, even if the wages ſhould be raiſed, which are perhaps too low at preſent.

3000 men, working 300 days in a year, will be entitled to 900.000 bundles of chips at 1s. 6. - - -	£67.500
Time loſt to Government in making up theſe chips, equal to 6d. per day. - - - - - -	22.500
Articles purloined and ſtolen, by being concealed within theſe bundles, and by women and children, who reſort to the yards on pretence of carrying them away, ſuppoſed - -	50.000
	£140.000
Deduct 6d. a day additional wages in lieu of the perquiſite of chips ; which, it is underſtood the ſhip wrights would conſider as an ample remuneration - - -	22.500
Preſumed gain by this arrangement	£117.500

The naval, victualling, and ordnance ſtores pillaged in the dock-yards and other public repoſitories, and alſo from ſhips of war in the River Thames, are eſtimated in the firſt Chapter at £300,000 a year.

The vicinity of the metropolis;—the aſſiſtance afforded by old iron and ſtore ſhops on the ſpot;—by carts employed in this trade alone, conſtantly going and coming from and to the capital;—by the advantage of an eaſy and ſafe conveyance of ponderous and heavy articles, in lighters and other craft paſſing up and down the River; and the extenſive chain of criminal connection, which a courſe of many years has formed, joined to the eaſe with which frauds are committed, have combined to render this nefarious traffic a very ſerious evil,

Among the multitude of perſons concerned in it, ſome are ſaid to keep men conſtantly employed in untwiſting the cordage, for the purpoſe of removing the King's mark, or coloured ſtran, which is introduced into it it as a check againſt fraud; and others (as has been already noticed) are, in like manner, employed in knocking the Broad Arrow out of copper bolts, nails, bar iron, and other articles, on which it is impreſſed, ſo as to elude detection.

It would ſcarce be credited, to what an enormous extent the ſale of the cordage, ſail-cloth, and other naval articles thus plundered, is carried, in ſupplying coaſting veſſels and ſmaller craft upon the River Thames, at a cheap rate.*

In addition to the remedies, already propoſed, by the extenſion of the *Bum-boat Act*, and the eſtabliſhment of *Police Offices* at Woolwich, Chatham, Portſmouth, and Plymouth, which muſt be conſidered as preliminaries abſolutely neceſſary to be adopted and

* It has been mentioned in the preceding Chapter, that 9000 coaſting veſſels, and alſo 4500 traders to foreign parts, enter and clear in the Cuſtom-houſe of London, in the courſe of a year, independent of ſmall craft in the River. This offers an inexhauſtible reſource for the ſale of cheap cordage, ſail-cloth, and every other material.

enforced; it would be expedient to ſtrengthen the exiſting ſtatutes, by introducing the following regulations, under a legiſlative ſanction.

1. That the mere poſſeſſion of any public ſtores by any perſon employed under the Crown, in ſhips, dock-yards, or in public repoſitories, ſhall be concluſive evidence of embezzlement. *The puniſhment Tranſportation.*
2. The poſſeſſion of ſtores having the King's mark, in the cuſtody or premiſes of any other perſon, to be evidence of receiving ſuch ſtores, knowing them to be ſtolen.—*The puniſhment, Tranſportation.*
3. The defacing any of the King's marks, or removing the ſame, or forging or counterfeiting the marks in canvas, to be puniſhable by *Tranſportation.*
4. That a power be given to Magiſtrates to grant warrants to peace-officers to ſearch for King's ſtores; on oath made of their being depoſited in any ſpecific houſe or place, to be ſtated in the information.
5. Rewards to be granted for apprehending all perſons guilty of ſtealing or receiving the King's ſtores; to be paid according to the diſcretion of the judge who tries the offence; and in no caſe to exceed £40.--nor to be under £10.
6. That certain rules be adopted, relative to the ſale of old ſtores, ſo as to prevent the purchaſe of ſuch ſtores from being made a cover in the hands of receivers of ſtolen goods, for protecting ſtores fraudulently obtained.
7. That it be made a capital felony to alter, eraſe, or fabricate any documents, vouchers, books, accounts, or any writing, with an intent to defraud his Majeſty; or to procure a quietus to any perſon having accounts to adjuſt with the Navy, Victualling, Tranſport, Ordnance, or Sick and Hurt Offices.

To render the ſyſtem complete, and to guard the public againſt the frauds which now take place in the receipt and delivery of ſtores, and in ſurveys, the uſe of written checks might be introduced into the different dock yards, upon nearly the ſame plan as already prevails in the Exciſe; and as the Lords Commiſſioners of the Admiralty have full authority over their own ſervants, ſuch regulations will require no new law.

Above all, and as the firſt ſtep to the propoſed reform, it ſeems indiſpenſably neceſſary to place all the officers, artiſans, and ſervants in the naval departments, above the reach of thoſe temptations which conſtantly aſſail them; by ſuch a liberal increaſe of ſalary, or wages, as would enable them to live comfortably according their reſpective ſtations in life: and ſhield them againſt the temptation of yielding to any propoſition, for the purpoſe of obtaining money at the expence of their honour or integrity.

The abolition of all perquiſites, fees, or gratuities would of courſe, follow the liberal increaſe of ſalaries; and would operate powerfully in promoting that purity of conduct, which ought to be the leading feature in the character of every perſon in whom any truſt, either public or private, is repoſed.

Nothing can be upon a footing more hoſtile to this purity of conduct, than the prevailing practice of diſpoſing of clerkſhips in the dock-yards for a premium.

It is ſaid to be no uncommon thing to pay £300 for a ſituation, where the ſalary does not exceed £30 or £40 a year. It may fairly be aſked in what manner a perſon ſo ſituated is to reimburſe himſelf? The concluſion is obvious, and the reſult has been already explained; which may perhaps be ſtill further elucidated by ſtating the following fact.

An officer of juſtice, having diſcovered ſome inſtances of pillage and peculation going forward, in the courſe of the removal of copper and other articles from a diſmantled ſhip of war, complained to the ſtore-keeper in the Dock-yard, whoſe province it was to have received thoſe articles into his charge, which were conveyed elſewhere,—He replied thus—

"D—n it, mind your own buſineſs—Such "things have always been done, and will con- "tinue in ſpite of you or me:—It will at any "rate, laſt our time."

The object and views of the Author of theſe pages, are ſomewhat different from thoſe of this *truſty ſervant* of the Crown: the Suggeſtions, now offered, lead to meaſures, which, he hopes, will by degrees be the means of introducing ſuch regulations in the Navy, Victualling, and Ordnance departments, as will, by rendering the reſources of the Country much more productive, eſtabliſh that kind of permanency which will not only *laſt our own time*, but extend to many generations; while the ſame regulations, by preſerving the morals of the people, will increaſe the happineſs and the ſecurity of all ranks in the Community.

CHAP. V.

General Reflections, arising from the perpetration of the higher and more atrocious crimes of Burglary, Highway-Robbery, &c.—These crimes more peculiar to England than to Holland or Flanders, &c.—The Reasons explained.—A general View of the various classes of Criminals engaged in Robberies and Burglaries, and of those discharged from Prisons and the Hulks:—Their miserable situation as outcasts of Society, without the means of support.—The necessity of some Antidote previous to the return of Peace.—The means used at present by Thieves in accomplishing their nefarious Purposes.—Observations on the stealing Cattle, Sheep, Corn, &c.—Receivers of stolen Goods shewn to be the Nourishers of every description of Thieves.—Remedies suggested, by means of Detection and Prevention.

IT is impossible to reflect upon the outrages and acts of violence continually committed, more particularly in and near the Metropolis, by lawless ravagers of property, and destroyers of lives, in disturbing the peaceful mansion, *the Castle of every Englishman*, and also in abridging the liberty of travelling upon the public highways, without asking—*Why are these enormities suffered in a Country where the Criminal Laws are supposed to have arrived at a greater degree of perfection than in any other?*

This is an important enquiry, interesting in the highest degree, to every member of the body politic.

If, in pursuing such an enquiry, the situation of Holland, Flanders, and several of the Northern States on the Continent, is examined, it will be found

that this terrific evil has there ſcarce an exiſtence: and, that the precaution of bolting doors and windows during the night, is even ſeldom uſed, although, in theſe Countries, from the opulence of many of the inhabitants, there are great temptations to plunder property.

This ſecurity does not proceed from *ſeverer puniſhments*, for in very few Countries are they more ſanguinary than in England.—It is to be attributed to a more correct and energetic ſyſtem of Police, joined to an early and general attention to the employment, education, and morals of the lower orders of the people; a habit of induſtry and ſobriety is thus acquired, which, univerſally imbibed in early life, "grows with their growth, and ſtrengthens with their ſtrength."

Idleneſs is a never-failing road to criminality. It originates generally in the inattention and the bad example of profligate parents. And when it has unfortunately taken hold of the human mind, unneceſſary wants and improper gratifications, not known or thought of by perſons in a courſe of induſtry, are conſtantly generated; hence it is, that crimes are reſorted to, and every kind of violence, hoſtile to the laws, and to peace and good order, is perpetrated.

The criminal and unfortunate individuals, who compoſe the diſmal catalogue of highwaymen, foot-pad robbers, burglars, pick pockets, and common thieves, in and about this metropolis, may be divided into the three following claſſes:

1. Young men of ſome education, who having acquired idle habits by abandoning buſineſs or by being bred to no profeſſion, and having been ſeduced by this idleneſs to indulge in gambling and ſcenes of debauchery and diſſipation, at length impoveriſhed and unable to purchaſe their accuſtomed gratifications, have recourſe to the highway to ſupply immediate wants.
2. Tradeſmen and others, who having ruined their fortunes and buſineſs by gaming and diſſipation, ſometimes as a deſperate remedy go upon the road.

But theſe two claſſes are extremely few in number, and bear no proportion to the lower and more depraved part of the fraternity of thieves, who purſue the trade ſyſtematically; who conduct their depredations under ſuch circumſtances of of caution, as to render detection extremely difficult; and whoſe knowledge of all the weak parts of the Criminal Law is generally ſo complete, as to enable them to elude juſtice, and obtain acquittals, when detected and put upon their trial.—*Namely*——

3. 1ſt. Servants, hoſtlers, ſtable and poſt-boys out of place, who preferring what they conſider as idleneſs, have ſtudied the profeſſion of thieving,—2d. Perſons, who being impriſoned for debts, aſſaults, or petty offences, have learned habits of idleneſs and profligacy in gaols.—3d. Idle and diſorderly mechanics and labourers, who having on this account loſt the confidence of their maſters or employers, reſort to thieving, as a means of ſupport; from all whom the notorious and hackneyed thieves generally ſelect the moſt truſty and daring to act as their aſſociates.—4th. Criminals tried and acquitted of offences charged againſt them, of which claſs there have been a vaſt number let looſe upon ſociety within the laſt ten years.*---5th. Convicts diſcharged from Priſons and the Hulks,† after ſuffering the ſentence of the law: too often inſtructed by one another in all the arts and devices which attach to the moſt extreme degree of human depravity, and in the perfect knowledge of the means of perpetrating crimes, and of eluding juſtice.

* Diſcharged from Newgate in

1786	575	1791	584
1787	611	1792	804
1788	542	1793	702
1789	614	1794	644§
1790	532	1795	578§
	2894		3312
			2894
		Total Priſoners	6206

§ *Beſides diſcharges from the Army and Navy.*

† Since the firſt inſtitution of the Hulks in 1776, there have been diſcharged from Woolwich, Portſmouth, and Langſton Harbour, *two thouſand five hundred and thirty Convicts.*

Viz. 1. By Expiration of Puniſhment	-	1610
2. By Pardons	- - -	790
3. By Eſcapes	- - -	130
	Total	2530

To form ſome judgment of the number of perſons in this great metropolis, who compoſe at leaſt a part of the criminal phalanx engaged in depredations and acts of violence, it is only neceſſary to have recourſe to the following Statement of the number of priſoners diſcharged, within the laſt four years, from the eight different Gaols in the metropolis, and within the bills of mortality.

1. Diſcharged by proclamation and gaol deliveries; having been committed in conſequence of being charged with various different offences, for which bills were not found by the Grand Jury, or where the proſecutors did not appear to maintain and ſupport the charges - - -	5592
2. Diſcharged by acquittals, in the different Courts; (frequently from having availed themſelves of the defects of the law,---from frauds in keeping back evidence, and other devices) - -	2962
3. Convicts diſcharged from the different gaols, after ſuffering the puniſhment of impriſonment, &c. inflicted on them for their ſeveral offences.	2484
4. Convicts diſcharged and eſcaped from the Hulks at Woolwich, Portſmouth, and Langſton.	896
Total	11,934

Humanity ſhudders at the contemplation of this intereſting part of the diſcuſſion, when it is conſidered, who theſe our miſerable fellow-mortals are! and what is to be expected from the extreme depravity which attaches to the chief part of them!

And here a prominent feature of the imperfect ſtate of the Police of the metropolis and the country is too evident to eſcape notice.

Without friends, without character, and without the means of ſubſiſtence, what are theſe unhappy mortals to do?—They are no ſooner known or ſuſpected, than they are avoided.—No perſon will employ them, even if they were diſpoſed to return to the paths of honeſty; unleſs they make uſe of fraud and decep-

tion, by concealing that they have been the inhabitants of a *priſon*, or of the *hulks*.

At large upon the world, without food or raiment, and with the conſtant calls of nature upon them for both, without a home or any aſylum to ſhelter them from the inclemency of the weather, *what is to become of them?*

The Police of the Country has provided no place of induſtry, in which thoſe who are diſpoſed to reform might find ſubſiſtence in return for labour; which, in their preſent ſituation, becomes uſeleſs to them, becauſe no perſon will purchaſe it by employing them*. Under all theſe circumſtances it is to be feared, indeed it is known, that many convicts, from dire neceſſity, return to their old courſes. And thus, through the medium of theſe miſerable outcaſts of ſociety, crimes are increaſed and become a regular trade, becauſe many of them can make no other election.

It is indeed true, that during the war, many convicts, and idle and diſorderly perſons go into the army and navy: but ſtill a vaſt number remain behind, who cannot be accepted on account of ruptures, fits, ſome other diſability or infirmity; which, although they incapacitate them from ſerving his Majeſty, do not prevent them from committing crimes.

As we are aware that the reſource afforded by the preſent war gives employment, for a time only, to many of theſe miſchievous members of the community; how neceſſary is it to be provided with antidotes, previous to the return of peace; when, to the multitude of thieves now at large, there will be added numbers of the ſame claſs, who may be diſcharged from the navy and army?—If ſome plan of employment is not ſpeedily deviſed, to which all perſons of this deſcrip-

* That man will deſerve a ſtatue to his memory who ſhall deviſe and carry into effect a plan for the employment of *Diſcharged Convicts*, who may be deſirous of labouring for their ſubſiſtence in an honeſt way.—It is only neceſſary for ſome men of weight and influence to make the attempt, in order to enſure the aſſiſtance of the opulent and humane in ſo good and neceſſary a work.

tion may reſort, who cannot otherwiſe ſubſiſt themſelves in an honeſt way; and if the Police of the metropolis is not greatly improved, by the introduction of more energy, and a greater degree of ſyſtem and method in its adminiſtration; it is much to be feared, that no exiſting power will be able to keep them within bounds.

It is in vain to ſay the laws are ſufficient.—They are indeed voluminous enough. One half would do, properly conſolidated and adapted to the prevention of exiſting evils, with ſuch regulations as would enſure their due execution *in every part of the Capital.*

The means theſe depredators at preſent uſe in accompliſhing their nefarious purpoſes are complicated and various; and of late years have become as much diverſified as it is poſſible for the ingenuity of men to deviſe, who frequently join good natural abilities to all the artifices of the finiſhed villain.

It is no uncommon thing for the more daring and ſtrong-minded to form themſelves into gangs or ſocieties; to the excluſion of thoſe of their fraternity whoſe hearts are either like to fail them, or who are ſuppoſed not to be ſufficiently firm, ſo as to ſecure their accomplices againſt the hazard of diſcovery in caſe of detection.

Robbery and theft, as well in houſes as on the roads, have long been reduced to a regular ſyſtem. Opportunities are watched, and intelligence procured, with a degree of vigilance ſimilar to that which marks the conduct of a ſkilful General, eager to obtain an advantage over an enemy.

Houſes, intended to be entered during the night, are previouſly reconnoitred and examined for days preceding. If one or more of the ſervants are not already aſſociated with the gang, the moſt artful means are uſed to obtain their aſſiſtance; and when every previous arrangement is made, the mere operation of robbing a houſe becomes a matter of little difficulty.

By the connivance and aſſiſtance of immediate, or former ſervants, they are led to the places where the moſt valuable, as well as the moſt portable articles are depoſited, and the object is ſpeedily attained.

In this manner do the principal burglars and houſe-breakers proceed: which ſhews how cautiouſly every perſon ſhould be in the choice of both male and female ſervants; ſince the latter as well as the former are not ſeldom accomplices in very atrocious robberies.

The ſame *generalſhip* is manifeſted in the nocturnal expeditions of theſe criminal aſſociates upon the highways.

A perfect knowledge is obtained every evening of the different routes and ſituations of the patroles: —they are narrowly watched, and their vigilance (wherever they are vigilant) is in too many inſtances defeated.

Infinite pains are beſtowed in procuring intelligence of perſons travelling upon the road with money, bank-notes, or other valuable effects; and when diſcovered, the moſt maſterly plans are laid to waylay and rob them of their property: Nor have the meaſures purſued by thoſe atrocious villains the footpads, exhibited leſs ſkill in the plans adopted; while their outrages are too often marked with thoſe acts of cruelty and barbarity which juſtly render them objects of dread and terror.

The ſame adroitneſs alſo marks the conduct of thoſe who turn their attention chiefly to picking of pockets and other ſmaller robberies.

It would almoſt fill a volume to detail the various artifices which are reſorted to, in carrying on this ſpecies of thieving; by which even the moſt cautious, and thoſe who are generally upon their guard, are not exempted from the ravages of theſe inferior peſts of ſociety.

In addition to the injuries or loſſes ariſing from burglaries, highway robberies, and leſſer thefts, it is

to be lamented that extenſive and increaſing depredations are made upon cattle and ſheep, and alſo upon flour, corn, potatoes, provender, and poultry; ſtolen from the drovers, millers, corn-factors, and farmers in the vicinity of the Metropolis.

It cannot be too often repeated that the great facility experienced, in the immediate diſpoſal of every article obtained by diſhoneſty, is one of the chief encouragements to all the acts of outrage and depredation enumerated in the courſe of this work.

It frequently happens that the burglars, the highwaymen, and foot-pad robbers, make their contracts with the receivers, on the evening before the plunder is obtained; ſo as to ſecure a ready admittance immediately afterwards, and before day-break, for the purpoſe of effectual concealment by melting plate, obliterating marks, and ſecuring all other articles ſo as to place them out of the reach of diſcovery. This has long been reduced to a regular ſyſtem, which is underſtood and followed as a trade.

Nor do thoſe thieves who ſteal cattle and ſheep, experience more difficulty in finding purchaſers immediately for whatever they can obtain:—they too, generally, make a previous bargain with the receivers, who are ready at the appointed hour, to conceal the animals, to kill them immediately, and to deſtroy the ſkins for the purpoſe of eluding and preventing detection.

It ſometimes happens alſo, that the perſons who perpetrate theſe robberies, are journeymen-butchers by trade; who kill wherever they ſteal, and often afterwards ſell their plunder in the public markets.

The articles of corn, flour, potatoes, provender, and poultry, are generally ſtolen from millers, wharfingers, and farmers, for the moſt part by, or with the connivance of, their own ſervants; and brought to London on the top of teams or waggons, which travel generally during the night, ſo as to arrive in the market by daybreak.

Theſe articles are generally diſpoſed of to hoſtlers and ſervants at watering-houſes upon the roads in the ſuburbs of the Metropolis: and this, as well as the ſtealing of cattle and ſheep, has, of late years, become a very ſerious evil.

One of the moſt obvious means of prevention is theimpoſing ſuch reſtraints as ſhall render it extremely difficult to ſell to *Receivers* and equally hazardous for them to purchaſe ſtolen goods. At preſent the temptation is great, as theſe nouriſhers and ſupporters of thieves generally purchaſe at leſs than half, and ſometimes not above one-third, of the real value.

If, by wiſe regulations, it ſhall be poſſible to embarraſs and diſturb the extenſive trade carried on by the *concealed receivers*, who are the particular claſs having connections with the profeſſed thieves, a very great check would be given to public depredations.

In ſuggeſting remedies, this of all others appears at firſt view to be the moſt difficult; becauſe of the apparent impoſſibility of regulating any claſs of dealers who have no ſhop or viſible trade, and who tranſact all their buſineſs under concealment:—but ſtill the object is to be obtained by a combination of different legiſlative regulations, carried into execution by a vigilant and well-regulated police.

The detail, however, of ſuch meaſures coming more properly under another head, will, of courſe, be diſcuſſed in a ſubſequent chapter,* in which will be compromiſed whatever relates to the different claſſes of Receivers of ſtolen goods: At preſent the following hints may ſuffice.

A regiſter of lodging-houſes and lodgers in every pariſh, liberty, hamlet, and precinct, where the rent does not exceed a certain ſum (ſuppoſe ten ſhillings) weekly, would prove one great means of embarraſſment to thieves of every claſs; and of courſe

* Chapter VIII.

would tend, with other regulations, to the prevention of crimes.

Night-coaches alſo promote, in an eminent degree, the perpetration of burglaries and other felonies: Bribed by a high reward, many hackney-coachmen eagerly enter into the pay of nocturnal depredators, and wait in the neighbourhood until the robbery be completed, and then draw up, at the moment the watchmen are going their rounds, or off their ſtands, for the purpoſe of conveying the plunder to the houſe of the receiver, who is generally waiting the iſſue of the enterpriſe.

It being certain that a vaſt deal of miſchief is done which could not be effected, were it not for the aſſiſtance which night-coaches afford to thieves of every deſcription, it would ſeem, upon the whole, advantageous to the public, that they ſhould not be permitted to take fares after twelve o'clock at night; or, if this is impracticable, that the coach-hire for night ſervice ſhould be advanced, on condition that all coachmen going upon the ſtands after twelve o'clock, ſhould be licenſed by the Magiſtrates of the diviſion. By this means the night coachmen, by being more ſelect, would not be ſo open to improper influence; and they might even become uſeful to public juſtice in giving informations, and alſo in detecting burglars, and other thieves.

Watchmen and patroles, inſtead of being, as now, comparatively of little uſe, from their *age*, *infirmity*, *inability*, *inattention*, or *corrupt practices*, might, almoſt at the preſent expence, by a proper ſelection, and a more correct mode of diſcipline, by means of ſuperintendants appointed by the Magiſtrates of each diſtrict, to regulate their conduct, and keep them to their duty, be rendered of great utility in preventing crimes, and in detecting offenders.*

* The depredations which are committed almoſt every evening in Cheapſide, and the adjacent ſtreets leading into it, afford ſtrong proof of the neceſſity of an improved ſyſtem with regard to watchmen and patroles.

At preſent the ſyſtem of the nightly watch is without energy, diſjointed, and governed by almoſt as many different acts of parliament, as there are pariſhes, hamlets, liberties, and precincts within the bills of mortality; and where the payment is as various, running from 8 1-2d. up to 2s. a night.

The Act of the 14th of George III. (*cap.* 90.) entitled, *An Act for the better Regulation of the Nightly Watch within the City and Liberty of Weſtminſter, and parts adjacent*, contains many excellent regulations, but they do not extend to the eaſtern part of the metropolis: and for want of an active and ſuperintending agency, ſuperior to beadles, it is believed and felt that they are not, (even within the diſtrict included in the Act,) correctly carried into execution; and that no ſmall portion of thoſe very men who are paid for protecting the public, are not only inſtruments of oppreſſion in many inſtances, by extorting money moſt unwarrantably; but are frequently acceſſaries in aid-

Allured to that particular part of the metropolis, from the extenſive and valuable property in *piece-goods* and other portable articles which are conſtantly removing to and from the different ſhops and warehouſes:—a multitude of thieves and pickpockets exhibiting often in their dreſs and exterior, the appearance of gentlemen and men of buſineſs, aſſemble every evening in gangs, watching at the corners of every ſtreet, ready to *kuſtle* and *rob*, or to *trip up the heels* of the *warehouſe-porters and the ſervants of ſhop-keepers carrying goods*; or to the doors of warehouſes, at duſk and at the time they are locked, to be ready to ſeize looſe parcels when unperceived; by all which means, aided by a number of other tricks and fraudulent pretences, they are but too ſucceſsful in obtaining conſiderable booty. In ſhort there is no device or artifice to which theſe vigilant plunderers do not reſort: of which an example appeared in a recent inſtance, where almoſt in the twinkling of an eye, while the ſervant of an eminent ſilk-dyer had croſſed a narrow ſtreet, his horſe and cart, containing raw ſilk to the value of *twelve hundred pounds*, were driven clear off. Many of theſe atrocious villains, are alſo conſtantly in waiting at the inns, diſguiſed in different ways, perſonating *travellers*, *coach-office clerks*, *porters*, *and coachmen*, for the purpoſe of plundering every thing that is portable; which, with the aſſiſtance of two or three aſſociates if neceſſary, is carried to a coach called for the purpoſe, and immediately conveyed to the receiver.

The moſt adroit thieves in this line are generally *convicts from the hulks*, or *returned tranſports*, who, under pretence of having ſome oſtenſible buſineſs, (while they carry on the trade of thieving) generally open a *chandlers-ſhop*, ſet up a *green-ſtall*, or get into a *public houſe*:—ſome of theſe old offenders are known alſo to keep livery-ſtables for thieves, and horſes for the uſe of highwaymen; thereby forming a connected chain by which theſe criminal people extend and facilitate their trade: *nourihing*, *accommodating*, and ſupporting one another.

ing, abetting, or concealing the commiſſion of crimes, which it is their duty to detect and ſuppreſs.

If to the ſyſtem already propoſed, of regulating *Lodging-houſes*, *Dealers in Old Metals*, *Rags*, *Ship's Stores*, *Second-hand Wearing-Apparel*, *and Perſons uſing Crucibles* were added, Regulations obliging *Publicans*, *Pawnbrokers*, *Watch-makers*, *Buyers of Gold and Silver*, *Working and other Silverſmiths*, *Dealers in old and ſecond-hand Furniture*, *Brokers in ſecond-hand Goods*, *Dealers in old Building-Materials*, *Dealers in Dead Horſes and other Animals*, *and Livery Stable Keepers letting Horſes for hire*, to make a return of their names and places of abode to the Magiſtrates of the diſtrict where they reſide ; and ſubjecting them to a penalty if they concealed any ſtolen goods, or horſes, after the ſame were deſcribed in hand-bills or advertiſements, or any horſe lett to a highwayman, after ſuch highwayman was in like manner advertiſed ; much miſchief and many evil practices, as well as robberies and burglaries would be prevented,

If, moreover, a proper body of honeſt, able, and active Officers and Patroles were attached to each Public Office, and a ſufficient fund was eſtabliſhed to defray the expences of following up informations for the detection of criminal people, and of liberally rewarding thoſe who are active and uſeful in apprehending criminals, or in making diſcoveries, tending either to the recovery of property ſtolen, or to the detection of the offenders, little doubt need be entertained, under the guidance of a ſuperintending and vigilant Police, aided by zealous and active Magiſtrates, that ſuch a ſyſtem would ſoon be eſtabliſhed, as would go very far towards the prevention of many atrocious crimes ; the exiſtence and increaſe of which have long been a reproach to the criminal juriſprudence, as well as the Police of the Country,

CHAP. VI.

The Frauds arising from the manufacture and circulation of base money:—The causes of its enormous increase of late years.—The different kinds of false Coin detailed:—The process in fabricating each species explained:—The immense profits arising therefrom:—The extensive trade in sending base Coin to the Country.—Its universal Circulation in the Metropolis.—The great grievance arising from it to Brewers, Distillers, Grocers, and Retail Dealers, in particular, as well as the labouring Poor, in general.—The principal Channels through which it is uttered in the Country and in the Metropolis.—Counterfeit foreign Money extremely productive to the dealers.—A summary view of the causes of the mischief: the defects in the present laws explained:—A remedy proposed.

THE frauds committed by the fabrication of base Money, and by the nefarious practices, in the introduction of almost every species of counterfeit Coin into the circulation of the Country, are next to be discussed.

The great outlines of this enormous evil having been stated in the *Introduction*, it now remains to elucidate that part of the subject which is connected with *specific detail*.

One of the greatest sources of these multiplied and increasing frauds is to be traced to the various ingenious improvements which have taken place of late years at Birmingham in mixing metals, and in stamping and *colouring* ornamental buttons.

The same ingenious process is so easily applied to the coinage and colouring of false money, and also

to the mixing of the metals of which it is compoſed, that it is not to be wondered that the avarice of man, urged by the proſpect of immenſe profit, has occaſioned that vaſt increaſe of counterfeit money of every deſcription, with which the Country is at preſent deluged.

The falſe coinages which have been introduced into circulation, or ſold as articles of commerce of late years, are *Guineas and Half-Guineas*, *Crowns and Half-Crowns*, *Shillings*, *Sixpences*, *Half-pence*, *and Farthings*, of the ſimilitude of the coin of the realm: of foreign coin, *Half Johannas*, *Louis-d'ors*, *French Half Crowns*, *Shillings and Sixpences*, 30 *Sol pieces*, *Pruſſian ſilver coin*, *with other continental coins*: and alſo *Sequins of Turkey*, *and Pagodas of India*..

So dexterous and ſkilful have Coiners now become, that by mixing a certain proportion of pure gold with a compound of baſe metal, they can fabricate guineas that ſhall be full weight, and of ſuch perfect workmanſhip as to elude a diſcovery, except by perſons of ſkill; while the intrinſic value does not exceed thirteen or fourteen ſhillings, and in ſome inſtances not above eight or nine. Of this coinage conſiderable quantities were circulated ſome years ſince, bearing the impreſſion of George the Second: and another coinage of counterfeit guineas of the year 1793, bearing the impreſſion of his preſent Majeſty, is now actually in circulation, finiſhed in a maſterly manner, and nearly full weight, although the intrinſic value is not above eight ſhillings: half guineas are alſo in circulation of the ſame coinage. But as the fabrication of ſuch coin requires a greater degree of ſkill and ingenuity than generally prevails, and alſo a greater capital than moſt coiners are able to command, it is to be hoped it has gone to no great extent; for amidſt all the abuſes which have prevailed of late years, it is unqueſtionably true that the guineas and half guineas which have been counterfeited in a ſtyle to elude detection, have borne no proportion in point

of extent to the coinage of baſe *Silver*. Of this latter there are *five* different kinds at preſent counterfeited; and which we ſhall proceed to enumerate.

The firſt of theſe are denominated FLATS, from the circumſtance of this ſpecies of money being cut out of flatted plates, compoſed of a mixture of ſilver and blanched copper. The proportion of ſilver runs from one fourth to one third, and in ſome inſtances even one half: the metals are mixed by a chemical preparation, and afterwards rolled by flatting mills, into the thickneſs of *ſhillings*, *half-crowns*, or *crowns* according to the deſire of the parties who bring the copper and ſilver, which laſt is generally ſtolen plate. There is only at preſent one rolling mill in London, in a well-known ſituation, where all the dealers and coiners of this ſpecies of baſe money reſort, for the purpoſe of having theſe plates prepared; from which when finiſhed, *blanks* or round pieces are cut out, of the ſizes of the money meant to be counterfeited.

The artiſans who ſtamp or coin theſe blanks into baſe money are ſeldom intereſted themſelves.—They generally work as mechanics for the large dealers who employ a capital in the trade;—and who furniſh the plates, and pay about eight per cent. for the coinage, being at the rate of one penny for each ſhilling, and two-pence half-penny for each half crown.

This operation conſiſts firſt in turning the blanks in a lathe;—then ſtamping them, by means of a preſs, with dies with the exact impreſſion of the coin intended to be imitated:—they are afterwards rubbed with ſand-paper and cork: then put into aquafortis to bring the ſilver to the ſurface; then rubbed with common ſalt; then with cream of tartar; then warmed in a ſhovel or ſimilar machine before the fire: and laſt of all rubbed with *blacking*, to give the money the appearance of having been in circulation.

All theſe operations are ſo quickly performed, that two perſons (a man and his wife for inſtance) can

completely finiſh to the nominal amount of fifty pounds in ſhillings and half-crowns in two days, by which they will earn each two guineas a day.

A ſhilling of this ſpecies, which exhibits nearly the appearance of what has been uſually called a Birmingham ſhilling, is intrinſically worth from *two-pence to four-pence*; and crowns and half-crowns are in the ſame proportion. The quantity made of this ſort of counterfeit coinage is very conſiderable: it requires leſs ingenuity than any other method of coining, though at the ſame time it is the moſt expenſive mode, and of courſe the leaſt profitable to the Dealer; who for the moſt part diſpoſes of it to the utterers, vulgarly called *Smaſhers*, at from 28s. to 40s. for a guinea, according to the quality; while theſe *Smaſhers* generally manage to utter it again at the full import value.

The ſecond ſpecies of counterfeit Silver money paſſes among *the dealers by the denomination of* PLATED GOODS; from the circumſtance of the ſhillings and half-crowns being made of copper of a reduced ſize, and afterwards plated with ſilver, ſo extended as to form a rim round the edge. This coin is afterwards ſtamped with dies ſo as to reſemble the real coin; and, from the circumſtance of the ſurface being pure ſilver, is not eaſily diſcovered except by ringing the money on a table: but as this ſpecies of baſe money requires a knowledge of *plating* as well as a great deal of ingenuity, it is of courſe confined to few hands. It is however extremely profitable to thoſe who carry it on, as it can generally be uttered, without detection, at its full import value.

The third ſpecies of baſe ſilver-money is called PLAIN GOODS, and is totally confined to ſhillings. Theſe are made of copper blanks turned in a lathe, of the exact ſize of a Birmingham ſhilling, afterwards ſilvered over by a particular operation uſed in colouring metal buttons; they are then rubbed over with cream

of tartar and blacking, after which they are fit for circulation.

Theſe ſhillings do not coſt the makers above one half-penny each: they are ſold very low to the *ſmaſhers* or *utterers*, who paſs them where they can, at the full nominal value: and when the ſilver wears off, which is very ſoon the caſe, they are ſold to the Jews as bad ſhillings, who generally reſell them at a ſmall profit to cuſtomers, by whom they are recoloured, and thus ſoon brought again into circulation. The profit is immenſe, owing to the trifling value of the materials; but the circulation, on account of the danger of diſcovery, is not yet very extenſive. It is however to be remarked that it is a new ſpecies of coinage recently introduced.

The fourth claſs of counterfeit ſilver-money is known by the name of CASTINGS or CAST GOODS. This ſpecies of work requires great ſkill and ingenuity, and is therefore confined to few hands; for none but excellent artiſts can attempt it, with any proſpect of great ſucceſs.

The proceſs is to melt blanched copper, and to caſt it in moulds, having the impreſſion, and being of the ſize of a *crown*, a *half-crown*, a *ſhilling*, or a *ſixpence*, as the caſe may be; after being removed from the moulds, the money thus formed is cleaned off, and afterwards neatly ſilvered over by an operation ſimilar to that which takes place in the manufacture of buttons.

The counterfeit money made in imitation of ſhillings by this proceſs, is generally caſt ſo as to have a *crooked appearance*; and the deception is ſo admirable, that although intrinſically not worth *one halfpenny*, by exhibiting the appearance of a *thick crooked ſhilling*, they enter into circulation without ſuſpicion, and are ſeldom refuſed while the ſurface exhibits no part of the copper; and even after this the itinerant Jews will purchaſe them at three-pence each, though ſix times their intrinſic value, well knowing that they can again

be recoloured at the expence of half a farthing, ſo as to paſs without difficulty for their nominal value of twelve pence.

The profit therefore in every view, whether to the original maker, or to the ſubſequent purchaſers, after having loſt their colour, is *immenſe*.

In fabricating this ſpecies of baſe money, the workmen are always more ſecure than where preſſes and dies are uſed; becauſe upon the leaſt alarm, and before any officer of juſtice can have admiſſion, the counterfeits are thrown into the crucible; the moulds are deſtroyed and nothing is to be found that can convict, or even criminate the offender: on this account the preſent makers of caſt money have reigned long, and were they careful and frugal, they might have become extremely rich; but prudence rarely falls to the lot of men who live by acts of criminality.

The *fifth and laſt ſpecies* of baſe coin made in imitation of ſilver-money of the realm, is called Figs or Fig Things. It is a very inferior ſort of counterfeit money, of which compoſition however the chief part of the ſixpences now in circulation are made.

The proportion of ſilver is not, generally ſpeaking, of the value of one farthing in half a crown; although there are certainly ſome exceptions, as counterfeit ſixpences have been lately diſcovered, ſome with a mixture, and ſome wholly ſilver: but even theſe did not yield the makers leſs than from 50 to 80 per cent. while the profit on the former is not leſs than from five hundred to one thouſand per cent. and ſometimes more.

It is impoſſible to eſtimate the amount of this baſe money which has entered into the circulation of the country during the laſt twenty years: but it muſt be immenſe, ſince one of the principal coiners in the *flat way* who has lately left off buſineſs, and made ſome important diſcoveries, acknowledged to a Magiſtrate of the Police, that he had coined to the extent of *two hundred thouſand pounds* ſterling in counterfeit

half-crowns, and other baſe ſilver money, in a period of ſeven years. This is the leſs ſurpriſing, as two perſons can ſtamp and finiſh to the amount of from 200l. to 300l. a week.

Of the Copper Money made in imitation of the current coin of the realm, there are many different ſorts ſold at various prices, according to the ſize and weight; but in general there may be divided into two kinds, namely, the ſtamped and the plain half-pence, of both which kinds immenſe quantities have been made in London; and alſo at Birmingham, Wedgbury, Bilſton, and Wolverhampton, &c.*.

The plain half-pence are generally made at Birmingham; and from their thickneſs, afford a wonderful deception. They are ſold, however, by the coiners to the large dealers at about a farthing each, or 100 per cent. profit in the tale or aggregate number. Theſe dealers are not the *utterers*; but ſell them again by retail in *pieces*, or *five ſhilling papers*, at the rate of from 28s. to 31s. for a guinea; not only to the ſmaſhers, but alſo to perſons in different trades, as well in the metropolis as in the country towns, who paſs them in the courſe of their buſineſs at the full import value.

Farthings are alſo made in conſiderable quantities, chiefly in London, but ſo very thin that the profit upon this ſpecies of coinage is much greater than on the half-pence, although theſe counterfeits are not now, as formerly, made of baſe adulterated metal. The copper of which they are made is generally pure. The advantage lies in the weight alone, where the *coiners*, *ſellers*, and *utterers* do not obtain leſs than 250 per cent. A well-known coiner has been ſaid to finiſh from ſixty to eighty pounds ſterling a week. Of half-pence, two or three perſons can ſtamp and finiſh

* A ſpecies of counterfeit half-pence *made wholly of lead*, has been lately circulated in conſiderable quantities, coloured in ſuch a manner as even to deceive the beſt judges. They are generally of the Reign of George II. and have the exact appearance of old Mint half-pence.

to the nominal amount of at leaſt two hundred pounds in ſix days.

When it is conſidered that there are not leſs than between forty and fifty coinages or private mints, almoſt conſtantly employed in London and in different country towns, in ſtamping and fabricating baſe ſilver and copper money; the evil may truly be ſaid to have arrived at an enormous height. It is indeed true that theſe people have been a good deal interrupted and embarraſſed of late, by detections and convictions; but while the laws are ſo inapplicable to the new tricks and devices they have reſorted to, theſe convictions are only *a drop in the bucket*; and indeed it is no unuſual thing for the wife and family of a culprit, or convicted *ſeller* of *baſe money*, to carry on the buſineſs, and to ſupport him luxuriouſly in Newgate, until the expiration of the *year* and *day's* impriſonment, which is generally the puniſhment inflicted for this ſpecies of offence.

It has been already ſtated, (*page* 14) that trading in baſe money has now become as regular and ſyſtematic as any fair branch of trade.—

Certain it is that immenſe quantities are regularly ſent from London to the camps during the ſummer ſeaſon; and to perſons at the ſea-ports and manufacturing towns, who again ſell in retail to the different tradeſmen and others who paſs them at the full *import* value.

In this nefarious traffic a number of the lower order of the Jews in London aſſiſt the dealers, in an eminent degree, particularly in the circulation of bad half-pence.

It has not been an unuſual thing for ſeveral of theſe dealers to hold a kind of market, every morning, where from forty to fifty Jew boys are regularly ſupplied with counterfeit half-pence; which they diſpoſe of in the courſe of the day in different ſtreets and lanes of the Metropolis, for *bad ſhillings*, at about 3d. each. Care is always taken that the perſon who cries bad

ſhillings ſhall have a companion near him who carries the half-pence and takes charge of the purchaſed ſhillings (which are not cut): ſo as to elude the detection of the Officers of the Police, in the event of being ſearched.

The bad ſhillings thus purchaſed, are received in payment, by the employers of the boys, for the bad half-pence ſupplied them, at the rate of four ſhillings a dozen: and are generally re-ſold to *Smaſhers*, at a profit of two ſhillings a dozen; who ſpeedily recolour them, and introduce them again into circulation, at their full nominal value.

The boys will generally clear from five to ſeven ſhillings a day, by this fraudulent buſineſs; which they almoſt uniformly ſpend, during the evening, in riot and debauchery; returning pennyleſs in the morning to their old trade.

Thus it is that the frauds upon the public multiply beyond all poſſible conception, while the tradeſman, who unwarily at leaſt, if not improperly, ſells his counterfeit ſhillings to Jew boys at three-pence each, little ſuſpects that it is for the purpoſe of being returned upon him again at the rate of twelve pence, or 300 per cent. profit to the purchaſers and utterers.

But theſe are not the only criminal devices which the coiners and dealers, as well as the utterers of baſe money have recourſe to, for anſwering their iniquitous purpoſes.

Counterfeit French half crowns and ſhillings, of excellent workmanſhip, have been lately introduced with a view to elude the puniſhment of the law.

Fraudulent die-ſinkers are to be found both in the Metropolis and in Birmingham, who are excellent artiſts; able and willing to copy the exact ſimilitude of any coin, from the Britiſh guinea to the ſequin of Turkey, or to the Star Pagoda of Arcot. The delinquents have therefore every opportunity and aſſiſtance they can wiſh for; while their accurate knowledge

of the deficiency of the laws, and where the point of danger lies, joined to the extreme difficulty of detection, operates as a great encouragement to this ſpecies of treaſon, felony, and fraud; and affords the moſt forcible reaſon why theſe peſts of ſociety have ſo increaſed and multiplied of late years.

An opinion prevails, founded on information obtained through the medium of the moſt intelligent of theſe coiners and dealers, that of the counterfeit money now in circulation, not above one third part is of the ſpecies of *Flats* or *compoſition money*; which we have ſeen is the moſt intrinſically valuable of counterfeit ſilver, and contains from one fourth to one half ſilver; the remainder being blanched copper,—The other two thirds of the counterfeit money being *caſt* or *waſhed*, and intrinſically worth little or nothing, the impoſition upon the public is obvious. Taking the whole upon an average, the amount of the injury muſt be conſiderably within ten per cent. of a total loſs upon the maſs of the baſe ſilver-money now in circulation; which, if a concluſion may be drawn from what paſſes under the review of any perſon who has occaſion to receive ſilver in exchange, muſt conſiderably exceed *one million ſterling!* To this we have the miſerable proſpect of an acceſſion every year, until ſome effectual ſteps ſhall be taken to remedy the evil.

Of the Copper Coinage, the quantity of counterfeits now in circulation may be truly ſaid to equal three fourth parts of the whole, independent of the daily acceſſion; and nothing is more certain than that a very great proportion of the actual counterfeits paſs as mint half-pence, from their ſize and appearance, although they have yielded the coiners a large profit.

In ſhort, nothing can be on a worſe footing than both the ſilver and copper coinage of this kingdom at the preſent period; for at no time can any perſon mi-

nutely examine either the one coin or the other, which may come into his poſſeſſion, without finding a conſiderable proportion counterfeits.

What therefore muſt be the ſituation of the retail dealers, the brewers, diſtillers, and many other claſſes of induſtrious traders, who, in the courſe of their buſineſs, are compelled to receive ſuch money as is in circulation?*

The burden is not only grievous, beyond expreſſion, to thoſe who have no alternative but to take ſuch baſe money in payment; but extends indirectly to *the poor*: in as much as the diminiſhed value of ſuch coin, ariſing from its reduced or baſe quality, taken in connection with the quantities thrown into circulation, tends to enhance the price of the firſt articles of neceſſity.

The labourer, the handicraft, and the working manufacturer, being generally paid their weekly wages, partly in copper money of the preſent depreciated value; it is obvious that they muſt obtain leſs than they would otherwiſe receive, were the coin of a higher ſtandard; for the retail dealers who furniſh the poor with food, muſt ſhield themſelves, at leaſt in part, againſt the unavoidable loſſes ariſing from baſe money, by advancing the prices of their various commodities.

Nor are ſuch advances made upon a principle which cannot be defended; ſince it is evident that the relative value *even of the Mint copper coin* to gold or ſilver, is nearly *twice its intrinſic value*; and while ſuch copper money cannot be paid into the receipt of His Majeſty's exchequer, or received in payment by the

* It is ſincerely to be regretted that any difficulties ſhould have ariſen relative to the adoption of a Copper coinage ſimilar to the beautiful and maſterly ſpecimens which were fabricated in the year 1790, and tendered to Government by that excellent Artiſt, and uſeful and valuable Man—Mr. BOLTON, of *Birmingham*.

Such a Coinage, while the expence, at that time when Copper was low, would have been very moderate, muſt have remedied completely all thoſe evils which have proved ſuch a weight upon the Commerce of the Country both before and ſince that period.

officers of the revenue, the burden and loſs of a diminiſhed coin falls entirely upon the traders, (who are compelled to receive ſuch money,) and upon the labourers and mechanics through whoſe medium it is chiefly circulated.

While the diſproportion thus ſtated between the denominative value of copper and ſilver-money is ſo very great, it is evident that the legal coinage of copper muſt produce an immenſe profit; as *one pound* of copper eſtimated at 15 *pence** will make as many halfpence, of the legal coinage, as paſs for *two ſhillings*.

This fact plainly ſhews the vaſt temptation which is held out to thoſe who carry on the counterfeit coinage, where the profit from the coiner to the dealers, and from theſe dealers to the utterers, at the full denominative value, muſt be in many inſtances from two to three hundred per cent. When to this circumſtance is added the ſecurity which the deficiencies in the preſent laws hold out, the whole operates as a kind of bounty to theſe fraudulent people, who cannot reſiſt the proſecution of a trade where the profit is ſo immenſe, and where a coinage equally *pure* and *heavy* as the mint ſtandard would even be extremely productive.

In every view the evil ariſing from baſe money of every denomination appears to be of the greateſt magnitude—while its extent will ſcarce be credited by any but thoſe who have turned their attention very minutely to the ſubject.

The trade of dealing in baſe money acquires its greateſt vigour towards the end of March; for then the Lotteries are over, when *Swindlers*, *Gamblers*, *Pretended Dealers in Horſes*, *Travellers with E. O. Tables*, and *Hawkers and Pedlars* go into the country, carrying with them conſiderable quantities of counterfeit ſilver and copper coin; by which they are en-

* A few years ago ſheet-copper was as low as 11½d. a pound, and will be probably again at the ſame price on the return of Peace. Indeed it has lately been even lower.

abled, in a great degree, to extend the circulation, by cheating and defrauding ignorant country people.

In the ſpring ſeaſon too, the dealers in baſe money begin to make up their orders for the different country towns; and it is ſuppoſed, upon good grounds, that there is now ſcarce a place of any conſequence all over the kingdom where they have not their correſpondents; it is alſo a fact well eſtabliſhed, that theſe correſpondents come regularly to the *Metropolis*, and alſo go to Birmingham once or twice a year for the purpoſe of purchaſing baſe money.

It very ſeldom happens, on account of the great demand, (eſpecially of late years) that the dealers have ever any conſiderable ſtock on hand. The baſe money is no ſooner finiſhed, than it is packed up and ſent to cuſtomers in town and country; and with ſuch rapidity has it been fabricated, on occaſions of preſſing emergency, that a ſingle dealer has been known to procure from the coiners who worked for him, from £300. to £500. for country orders, in the courſe of the week!

The lower ranks among the Iriſh, and the Jews, are the chief ſupporters of the trade of circulating baſe money in London;—there is ſaid to be ſcarce an Iriſh labourer who does not exchange his week's wages for baſe money; taking a mixture of ſhillings, ſixpences, and copper.

The Jews principally confine themſelves to the coinage and circulation of copper; while the Iriſh women are the chief utterers and colourers of baſe ſilver. A vaſt number of theſe low females have acquired the miſchievous art of colouring the bad ſhillings and ſixpences, which they purchaſe from the employers of Jew-boys, who cry *bad ſhillings*.

It is ſomewhat ſingular that among the Jews, although many caſes occur where they appear to be coiners of copper money and dealers to a great extent, yet ſcarce an inſtance can be adduced of their having any concern in the coinage or in the colouring of

baſe ſilver: neither are they extenſive dealers in any other baſe money but copper.

The Jews, however, deal largely in foreign coin, counterfeited in this country; having been the chief means by which *Louis d'Ors*, *Half Johannas*, as well as various ſilver coins, made of baſe metal, have been ſent out of this country. It is through the ſame channel that the Sequins of Turkey are circulated; as alſo the Pagodas of India.*

In contemplating and in developing the cauſes of the vaſt accumulation and increaſe of baſe money, which has thus deluged the country of late years, the evil will be found to proceed chiefly from the want of *a new coinage:—of laws, applicable to the new tricks and devices practiſed by the coiners:—of proper rewards for the detection and apprehenſion of Offenders*; *—and of a ſufficient fund to enſure the prompt execution of the law*; *by a vigorous and energetic Police*, directed not only to the detection and puniſhment of offenders, but alſo to the means of prevention.

The vigour and energy requiſite to the ſuppreſſion of crimes of every kind, but particularly that of the coinage and circulation of baſe money, depend much on the zeal and activity of the Magiſtrate: and on the affording an adequate pecuniary reſource, to enable him to reward men who may undertake to riſk their perſons in the company of deſperate and daring offenders, in order to obtain that ſpecies of evidence which will produce a conviction. Without ſuch pecuniary reſource, the law, as well as the exertions of the Magiſtrate, becomes a dead letter: and his efforts, for the purpoſe of promoting the ends of public juſtice, are crippled and loſt to the community.

In ſuppreſſing great evils, ſtrong and adequate powers muſt be applied, and nothing can give force and activity to theſe powers, but the ability to reward liberally all perſons engaged in the public ſervice,

* See ante, page 16.

either as police officers, or as temporary agents for the purpose of detecting atrocious offenders. The following ideas are therefore suggested with a view to the important subject at present under discussion.

The coinage laws (except those relating to copper money) which contain the most important regulations in the way of prevention, having been made a century ago, it is not to be wondered, in consequence of the regular progress of the evil, and the new tricks and devices resorted to, in that period, that many prominent amendments have become necessary. A consolidation of the whole laws from the 25th of Edward the Third, to the 14th of his present Majesty, would, perhaps, be the most desirable object; as it would afford a better opportunity of correcting every deficiency, and of rendering this branch of the criminal code *concise*, *clear*, *explicit*,—applicable to the existing evils, and to the means of prevention.

For the purpose, however, of more fully elucidating this proposition, it will be necessary to state the existing laws, and what are considered as the most apparent deficiencies therein.

We will begin by giving a short *Summary* of the existing Laws.

25. Edw. III. *stat.* 5, *cap.* 2. 1 Mary, *stat.* 2, *c.* 6. 1 & 2 Ph. & Mary, *cap.* 11. 5 Eliz. *cap.* 11. 14 Eliz. *cap.* 3. 18 Eliz. *cap.* 1.	These acts make counterfeiting the gold and silver coin of the realm—counterfeiting foreign money, current within the realm—knowingly bringing false money into the realm counterfeit to the money of England; or bringing in *any* false and counterfeit money, current within the realm; in order to utter the same here:—diminishing or lightening any current (gold or silver) coin—*High Treason.*——Counterfeiting foreign money, not current in the kingdom—*Misprision of Treason.*

7 Will. III. *cap.* 3. 8. & 9. Will. III. *cap.* 26. (made perpetual by 7 Anne, c. 25.)— 9. & 10. Will. III. c. 21.	Theſe Acts contain a detail of the principal offences and puniſhments, upon which proſecutions are founded at preſent.
7th of queen Anne, *cap.* 24.	Allows 400l. a year for proſecuting Offenders; increaſed by 15 Geo. II. c. 28. § 10. to 600l.
15th and 16th of Geo. II. *cap.* 28.	Amends ſome of the above laws, and eſtabliſhes new regulations relative to to the Copper Coinage.
11th George III. *cap.* 40.	Makes further regulations reſpecting the Copper Coinage; which however, have not been at all effectual.

We next proceed to ſtate the deficiencies of theſe Laws.

1. Proſecutions are at preſent limited to commence within three months. This may often defeat juſtice, as offences commited in the Country frequently cannot be tried in leſs than four, five, and in ſome caſes nearly ſix months. ☞ *The limitation to* 12 *months would remove the difficulty.*
2. The words *Milled Money* ſeemed neceſſary, in the minds of the makers of the Act of 8 and 9 William III. *cap.* 26, to form the deſcription of Coin ſimilar to the current Coin of the Realm; and that act declares it to be felony to take receive, pay, or put off *counterfeited milled money*.—A conſiderable portion of counterfeit Coin is *caſt* and *not milled.* ☞ *The words* counterfeit Money, Milled, *or* not Milled, *would remove the ambiguity.*
3. No proviſion is made in any Act againſt, and conſequently no puniſhment is inflicted on, the offence of *buying baſe money to recolour it:*—this is a modern device.
4. Neither does it appear that any proviſion is clearly made, or puniſhment inflicted, for the offence of *uttering baſe ſilver Money in exchange*, as well as in payment: except under ſtat. 8 and 9 Will. III. cap. 26, where the expreſſion of *counterfeit milled money* is uſed; the ambiguity of which has already been noticed. The words in the ſtat. 15 Geo. 2. c. 28. are, ‘ any perſon who ſhall utter or tender in pay-

ment," and it ſeems that the word *utter* cannot be detached from the ſubſequent words.

5. No exiſting law gives any power to Magiſtrates, upon information on oath, to ſearch for, or ſeize counterfeit Coin, in the cuſtody or poſſeſſion of *known Dealers* or *reputed Utterers*; although theſe Dealers and Utterers are now the perſons (and not the actual Coiners) who keep the baſe Money: neither is there any power to ſeize baſe Money conveyed in coaches or waggons going into the country. Under this ſhelter the Dealers are enabled to hold markets for ſale in their houſes, where they frequently keep large ſtocks; and baſe Money is alſo ſent into the Country without the leaſt hazard of detection or ſeizure.
6. No power is directly given by any exiſting law, even upon the moſt pointed information, to ſearch the houſes or workſhops of Coiners *in the night time*. Hence it is that *detection* becomes ſo difficult, and the evil increaſes, becauſe the law in ſome meaſure ſhields the offenders from diſcovery. Since in Lottery offences (which are certainly greatly inferior in their enormity to Coining) a power is granted to break open houſes in the night time, ſurely no reaſon can be aſſigned why treaſonable offences, in Coining baſe Money, ſhould not in this reſpect be on the ſame footing. Unleſs a poſitive power is given to ſearch in the night, and ſuddenly to force open doors or windows, it will be impoſſible to detect the Makers of Caſt-Money.
7. The laws peculiarly relating to the *Copper Coinage* although more modern, have alſo been found to be extremely defective, and totally inadequate to their object.

   The Act of the 11th of his preſent Majeſty, cap. 40. indeed, makes it felony to ſell Copper Money of the ſimilitude *of the current money of the Realm* at a leſs value than the denomination doth import; but the benefit of Clergy not being taken away, and no ſpecific puniſhment being mentioned, the Offenders are generally ſubjected only to a year's impriſonment, which proves no check whatever, as their families carry on the buſineſs in the mean time; and if they ſell *plain Half-pence*, or what are calld *Iriſh Harps*, or mix them with *ſtamped Half-pence*, ſimilar to the current Coin of the Realm, ſo that the ſtamped Coin does not exceed the value of what the denomination imports, it is doubtful whether the conviction will not fail.
8. The act above mentioned gives a power to Magiſtrates to iſſue their warrants to ſearch for tools and implements uſed in the *Copper Coinage*, (with regard to Silver or Gold

Coinage no such power is given); but, what is very singular *no punishment whatever can be inflicted by any existing law* on the owner or proprietor of such tools for making Copper Money, nor upon the person in whose house they are found; and if when such search is made, there shall be found only *plain* Half-pence, or *Irish Harps*, or *Half-pence*, or *Farthings*, *varying in the Stamp* in any degree from the current Coin of the Realm, so as not to be of the exact similitude, the act in question is defeated; inasmuch as the crime of felony does not attach to offences short of Coining *Copper Money of the similitude of the current Coin of the Realm*. The Coinage of base Copper therefore goes on with impunity; because it is the carelessness of the parties themselves if ever they permit the law to reach them.

9. The laws now in being give no power to seize Counterfeit Half-pence; either in the hands of the Dealers who keep a kind of open market at their own houses every morning to supply Jew Boys who cry bad Shillings, or in those of many others in various trades, who become the channels of circulation to a vast extent without risk or inconvenience. Neither does the statute law authorize the apprehension of Jew Boys, who go out every morning loaded with counterfeit Copper, which they exchange for bad Shillings, to be afterwards coloured anew, and again put into circulation.

10. It must here be repeated, that the great cause of the defect in the execution of the Laws against Coiners, is the want of a proper fund for Prosecutions and Rewards, and other expences for detecting Offenders.—The acts 7 Anne, cap. 24. and 15 George II. c. 28. allow £600. for prosecuting only; which has never since been increased by any parliamentary grant, for above half a century; although the offences, as well as the expence of detection and prosecutions, have increased at least six-fold.

The reward of £40. given under the Acts 6 and 7 Will. III. c. 17; 15 Geo. II. c. 28, is construed to be limited only to the Conviction of actual Coiners and Clippers of Gold and Silver; and is not allowed to extend to colouring and finishing, as well as a number of other offences connected with *making*, *counterfeiting*, and *uttering* base Money: the reward for Copper Coin is by the said Act of 15 Geo. II. c. 28 limited to £10. and is by no means a sufficient encouragement to Officers to do their Duty. *It would be a great improvement if a liberal Sum were allowed annually by Parliament for detections, prosecutions, and re-*

wards; to be paid on the report of the Judges who try the offenders, according to the merit and trouble of the apprehenders, profecutors, and witneſſes; whether there is a conviction or not.

11. The laws, as they now ſtand, are ſilent regarding Provincial Copper Coin, or what are called *Tokens*, repreſenting a Half-penny. If a new coinage or Copper Money is not reſolved on by Government, it might perhaps be uſeful to legalize *Tokens* or *Provincial Coins* on three conditions. ☞1. *That the Copper of which they are made ſhall be pure.* —2. *That this Coin ſhall be at leaſt* 50 *per cent. heavier than the preſent Mint Coinage.*—3. *That the parties circulating ſuch Coin be reſponſible to the holders, for the value in Gold or Silver, when demanded: and ſhall ſtamp their names and an obligation to that purpoſe on the Coins, Tokens, or Medals ſo iſſued by them.*—It may alſo be neceſſary that ſuch perſons, iſſuing Tokens or Medals, ſhould take out a Licence for that purpoſe from the principal Officers of the Mint, as an authority for ſuch Coinage; giving ſecurity at the ſame time to obſerve the above Conditions.

12. The laws reſpecting foreign Coin are extremely defective, and productive at preſent of many frauds upon the public. The Act of the 14th of Elizabeth, cap. 3. which declared it to be miſpriſion of treaſon to counterfeit foreign Money, not current in the realm, has not been put in force for many years.—Counterfeit French Shillings and Half Crowns, as well as other foreign Coins, are made of baſe Metal, and mixed with Counterfeit Britiſh Coin, to the injury of the public. And foreign Coin is counterfeited for exportation, to the diſgrace of the National Character. *Prohibitions and Reſtraints, under Legiſlative Authority, have become abſolutely neceſſary to prevent this evil; which does not at preſent ſeem puniſhable by any exiſting law.*

13. The puniſhment inflicted on the different offences ſpecified in the Coinage Laws, do not ſeem to be in proportion to the degree of enormity, in ſome inſtances; while in others, from being too ſevere, the law is not always put in execution. The ſale of baſe Money (for inſtance) under the value it imports, is only puniſhable by a year's impriſonment; although in point of fact, it is well known, that the Sellers are the *Employers of the Coiners*; that with them this high offence originates, and but for them it would not have been committed: while the actual coiners, who work

for thefe Dealers merely as Jonrneymen, fubject themfelves to the punifhment of Death.

14. The mifchievous agents of the Dealers in bafe Money, *the perfons who keep flatting mills, and other machinery for preparing, and rolling their metals, for being coined into bafe Money*, are not at prefent within the reach of punifhment by any exifting law. Although by preparing the metal for the fubfequent procefs of ftamping, they are in fact parties concerned, without whofe aid the Coinage could not be carried on.—The chief difficulty is in punifhing perfons for producing an article which may be turned into coach and harnefs ornaments, buttons, and many purpofes as well as bafe Money.—Perhaps a licence to fuch perfons as flatten mixed metals, with fecurity from them "that they fhall "not work for Coiners under a fevere penalty," might prove fome check.——Or why, indeed, might not fome provifions, fimilar to thofe of the Act, 8 and 9 William III. c. 26, (againft perfons blanching copper for fale, or mixing blanched copper with filver, or buying, felling, or offering to fale blanched copper, alone, or mixed with filver,) be extended to the whole tribe of dangerous manufacturers, whofe trade and abilities are fo liable to be perverted to bad ufes?

Whatever might be the effect of thefe amendments in the mint laws, and neceffary as they appear to be, it is ftill to be feared that until a new coinage of filver and copper money fhall take place, no legiflative reftrictions, regulations, or punifhments, can produce an effectual cure to this enormous evil; although from the many deficiencies which have been detailed, it is evident a great deal of good may be done immediately in this way.

The coinage of new money is a great State queftion, which may require a fuller confideration; but no doubt can be entertained of the indifpenfable neceffity of fuch a meafure, with regard to filver and copper coin, as foon as circumftances will admit.

If to a new coinage of *fhillings* and *fixpences* fhould be added an extenfive coinage of filver money of the value of *three-pence*, according to ancient ufage, it would prove a great convenience to the public, and

remedy ſome of the abuſes and evils which ariſe from the vaſt quantity of baſe copper now in circulation.

The Nation might alſo, in a new point of view, derive conſiderable advantages from increaſing the weight of the copper coin, ſo as to bring it as near as poſſible to the *intrinſic* value of the metal of which it is compoſed.

An arrangement of this ſort would not only be the means of effectually preventing counterfeits; but the copper, being a native article produced in the country, might, through the medium of *coined money*, become a profitable branch of commerce with foreign nations, where even an extenſive circulation might be inſured, in conſequence of the *intrinſic* and *denominative* value being the ſame, or nearly ſo.—

This is exemplified in the policy of Sweden, where the copper dollar being ſo heavy as to anſwer to ſixpence ſterling, has long been exported; and forms a conſiderable, and even a profitable branch of commerce to that nation.

In Ruſſia the *Three Copee Piece* is very nearly of the weight of ſix Engliſh half-pence, yet its current value is only a ſmall fraction above one penny ſterling; —and thus by iſſuing no copper coin where the *denominative* is not in proportion to the *intrinſic* value, every claſs of dealers who vend the neceſſaries of life are ſhielded againſt loſs; and every unnatural riſe in the price of proviſions for the ſubſiſtence of the poor is of courſe prevented.

This principle ſeems to have been admitted by the Legiſlature; for when the ſubject of copper money was under the conſideration of the Houſe of Commons, at a period not very remote, the Journals ſhew that an opinion then prevailed, "*that the moſt* "*effectual means to ſecure the copper Coin from being* "*counterfeited, was that the denominative value of* "*ſuch coin ſhould bear as near a proportion as poſſible*

" *to the intrinſic* value of the metal of which it was " formed*."

It is earneſtly to be hoped that the regulations propoſed will be adopted; and followed up, by a new coinage of ſilver and copper money, ſo as to ſhield the honeſt part of the community againſt a ſyſtem of fraud, rapid beyond all example in its growth, and unparallelled as to its extent.†

Certain it is, that baſe Money contributes more to the ſupport as well as to the *increaſe* of the number of thoſe miſchievous and abandoned members of the community, who exiſt *wholly* by different kinds of fraud, than any other device which they purſue, to enable them to live in their preſent ſtate of idleneſs and debauchery, and to indulge in luxury and extravagance.

The increaſe is certainly aſtoniſhing, ſince it is known, that in London and the Country there are 54 actual coiners, and 56 large Dealers, beſides at leaſt 10 Die-ſinkers,‡ whoſe *names*, *characters*, and *purſuits* are at preſent perfectly known. But theſe bear no proportion to the horde of ſmaller Dealers and Utterers of baſe Money in the metropolis, and in moſt of the commercial and manufacturing Towns in the kingdom. Their numbers muſt amount to ſeveral thouſands. From being at preſent nuiſances in ſociety, in the conſtant habit of defrauding the public, they might be rendered (through the application of the remedies propoſed) uſeful members of the State; by exchanging a life of idleneſs and crimes, for a courſe of uſeful labour and induſtry.

* It has been ſuggeſted (ſee the *St. James's Chronicle* of *Saturday*, *Auguſt* 27) that a coinage of *ſeven ſhilling* pieces of *gold* would be of great utility: to be diſtinguiſhed from half guineas, by a crown being placed on the King's head.—This diſtinction might be preſerved, more ſtrikingly by making the characters 7s. in a circle on the reverſe.

† Journal, Houſe of Commons, Vol. xviii.—page 178.

‡ Vide page 82.

CHAP. VII.

Reaſons aſſigned why forgeries and frauds muſt prevail in a certain degree, wherever the interchange of property is extenſive.—A conſiderable check already given to the higher claſs of Forgeries, by ſhutting out all hopes of the Royal Mercy:—Petty Forgeries have however increaſed:—The Reaſons aſſigned.—The qualifications of a Cheat, Swindler, and Gambler explained.—This miſchievous claſs of men extremely numerous in the Metropolis.—The Common and Statute Law applicable to offences of this nature explained:—The great anxiety of the Legiſlature to ſuppreſs the evils of Gaming:—The miſery and Wretchedneſs entailed on many reſpectable Families from this fatal propenſity:—Often ariſing from the fooliſh vanity of mixing in what is ſtiled, Genteel Company: where Faro is introduced.—Games of Chance, though ſtigmatized by the Legiſlature, encouraged by high-ſounding names, whoſe houſes are opened for purpoſes odious and unlawful:—The Civil Magiſtrate called upon by his public duty, as well as by the feelings of humanity, to ſuppreſs ſuch miſchiefs.—The danger ariſing from ſuch ſeminaries.—No probability of any conſiderations of their illegality, or inhumanity operating as a check, without the efforts of the Magiſtracy.—The evil tendency of ſuch examples to ſervants in faſhionable Families, who carry theſe vices into vulgar life; and many of whom, as well as perſons of ſuperior education, become Sharpers, Cheats, and Swindlers, from the habits they acquire.—The different claſſes of Cheats and Swindlers, and the various tricks and devices they purſue, to enable them to live in idleneſs by their wits.—Sharpers, Cheats, and Swindlers, divided into twenty-one different Claſſes—1ſt. Sharpers who become Pawnbrokers.—2d. Sharpers who obtain Licences as Hawkers and

Pedlars.—3d. Swindlers who open ſhops as Auctioneers.—4th. Swindlers who pretend to diſcount Bills. 5th. Cheats who ſet up Gaming Houſes.—6th. Lottery Inſurers of the higher claſs.—7th. Sharpers and Swindlers who ſet up Fraudulent Lottery Offices.—8th. Itinerant Jews.—9th. Cheats who ſell by falſe Weights and Meaſures.—10th. Swindlers who defraud Tradeſmen of Goods.—11th. Cheats who take Genteel Lodgings with falſe Names, &c.—12th. Cheats who perſonate former Maſters to defraud their Tradeſmen.—13th. Cheats who perſonate Footmen, and order Goods from Tradeſmen.—14th. Cheats and Sharpers who deceive Perſons from the Country.—15th. Cheats and Sharpers who trick Shopmen and Boys out of Parcels.—16th. Sharpers who attend Inns to pick up Parcels by various tricks and devices.—17th. Cheats who go from door to door, begging on falſe Pretences.—18th. Sharpers ſelling ſmuggled Goods; known by the name of Duffers.—19th. Female Sharpers, who attend Court and Public Places.—20th. Female Bankers who lend money to Barrow-women at 6d. a day for Five Shillings.—21ſt. Cheats who pretend to tell Fortunes.—Various Remedies ſuggeſted.

IN a great Metropolis, like London, where trade and commerce have arrived at ſuch an aſtoniſhing height, and where from the extenſive tranſactions in the funds, and the opulence of the people, the interchange of property is ſo expanded, it ceaſes to be a matter of wonder that forgeries and frauds ſhould prevail, in a certain degree:—the queſtion of difficulty is, *why the laws, and the means of prevention, have not kept pace with the progreſſive advancement of the Country: ſo as to check and keep within bounds thoſe fraudulent practices?*

Forgeries of the higher claſs, ſo dangerous in a commercial country, have by the wiſe policy of the

Executive Government in ſhutting out all hopes of the extenſion of the Royal Mercy to the guilty, received a moſt ſevere check; beneficial in the higheſt degree to the country, and clearly manifeſted by the records of the Old Bailey, where trials for offences of this nature certainly do not increaſe in number.

But it is to be lamented, that, with regard to petty forgeries and frauds, this is by no means the caſe, for they ſeem to multiply and advance with the opulence and luxury of the country: and to branch out into innumerable different ſhapes, varying as the faſhions of the year, and as the reſources for the perpetration of this ſpecies of fraud change their aſpect.

When thoſe depraved people who (to uſe a vulgar phraſe) *live entirely by their wits*—find that any of the tricks which they have practiſed for a certain length of time become ſtale, ſuch as *pricking the belt for a wager*, or *dropping the ring*,) they abandon them; and have recourſe to other devices more novel, for the purpoſe of cheating and defrauding the unwary.

One of the moſt prevailing of theſe, at the preſent moment, is the fraud practiſed upon ſhop-keepers, tradeſmen, publicans, and others, through the medium of petty forgeries, by the circulation of copper-plate notes and bills for ſmall ſums, of £5. and £10. the latter purporting to be drawn, by bankers in the manufacturing and ſea-port towns, on different banking houſes in London.

This ſpecies of forgery has been recently carried on to a conſiderable extent; ſuggeſted no doubt by the confidence which is eſtabliſhed from the extenſive circulation of country bankers' notes and bills, now made payable in London; by which the deception is, in ſome degree covered, and detection rendered more difficult.

The great qualifications, or leading and indiſpenſable attributes of a *Sharper* a *Cheat*, a *Swindler* or a *Gambler*, are, to poſſeſs a genteel exterior, a demeanor apparently artleſs, and a good addreſs.

Like the more violent depredators upon the public, this claſs (who are extremely numerous) generally proceed upon a regular ſyſtem, and ſtudy as a *trade* all thoſe infamous tricks and devices by which the thoughtleſs, the ignorant, and the honeſt are defrauded of their property.

The common law has defined the offence of cheating—to be *a deceitful practice in defrauding, or endeavouring to defraud, another of his known right, by means of ſome artful device, contrary to the plain rules of common honeſty.*

The ſtatute of the 33d of Henry the Eighth, *cap.* 1, entered into a more ſpecific explanation of what might conſtitute ſuch an offence, and fixed the mode of puniſhment; by declaring "*that if any perſon* "*ſhall falſely or deceitfully obtain, or get into his hands* "*or poſſeſſion, any money, goods, &c. of any other perſon,* "by colour or means of any falſe privy token, or "counterfeit letter, *&c.—he ſhall, on conviction, be* "*puniſhed by impriſonment, the pillory, or whipping—* "*ſaving to the party aggrieved the ſame power of re-* "*covering the property as he might have had at com-* "*mon law, &c.*"

From this remote period, until the 30th of George the Second, the Legiſlature does not appear to have ſeen the neceſſity of enacting any new law, applicable to this ſpecies of offence.

In the progreſs however of ſociety and commerce, joined to the conſequent influx of riches, producing luxury and extravagance, a larger field opened for cheats and ſharpers of every deſcription; inſomuch, that the evil became ſo great, and the exiſting laws were found ſo inſufficient, as to render it neceſſary to provide a legiſlative remedy.

In applying this remedy, it ſeems that the great increaſe of a new ſpecies of cheating practiſed by perſons known in modern times by the name of *Swindlers* had ſuggeſted the propriety of defining the offence in a manner more applicable to the advanced ſtate of com-

merce and ſociety, and of rendering the puniſhment more ſevere. By the act of 30 Geo. II. *cap.* 24, it is declared, "*that all perſons obtaining money, goods, wares, or merchandize,* by falſe pretences, *ſhall be deemed offenders againſt the law and the public peace; and the Court, before whom any ſuch offender ſhall be tried, ſhall, on conviction, order them to be put in the pillory, or publicly whipped, or tranſported for ſeven years.*

Thus ſtand the laws at preſent with regard to ſwindlers.* The offence of cheating rather embraces a wider field, as it extends to thoſe artifices by which ſharpers and perſons of depraved minds obtain money from the ignorant and the unwary, by playing at different games of chance; the laws have therefore provided a variety of additional remedies applicable to this ſpecies of offence, which ſhow the great anxiety of the Legiſlature to ſuppreſs an evil, that in all ages has been found deſtructive in its conſequences to every principle favourable to civil œconomy, or the peace and happineſs of ſociety.

Gaming is the ſource from which have ſprung up all that race of cheats, ſwindlers, and ſharpers, whoſe nefarious practices it is the object of the Author to develope in this Chapter.

So early as the reign of Queen Anne, this abandoned and miſchievous race of men ſeem to have attracted the notice of the Legiſlature in a very particular degree; for the act of the 9th year of that reign (*cap.* 14. §§. 6, 7,) after reciting, "*that divers lewd and diſſolute perſons live at great expences, having no viſible eſtate, profeſſion, or calling, to maintain them-*

* There appears to be a deficiency in the act of 30th George the Second, cap. 24, in omitting to add *Bank Notes* after the word *Money*, and alſo *Horſes Cattle, Sheep, or other Animals*, after goods, wares, and merchandize: ſince, (as has been already noticed, ante page 7.) it has been held that Bank Notes are not Money, nor are horſes, cattle, &c. conſidered as goods, wares, or merchandize according to the legal conſtruction of any exiſting ſtatute.—An amendment of the law with regard to theſe objects is the more neceſſary as *Bank Notes* and *Horſes* are, perhaps, more the objects of ſwindling, than any other ſpecies of property.

" *ſelves*; *but ſupport theſe expences by Gaming only*; " Enacts *that any two Juſtices may cauſe to be brought* " *before them, all perſons within their limits whom they* " *ſhall have juſt cauſe to ſuſpect to have no viſible eſtate,* " *profeſſion, or calling, to maintain themſelves by*; *but* " *do for the moſt part ſupport themſelves by Gaming*; " *and if ſuch perſons ſhall not make it appear to ſuch* " *Juſtices that the principal part of their expences is not* " *maintained by gaming, they are to be bound to their* " *good behaviour for a twelvemonth*; *and in default of* " *ſufficient ſecurity, to be committed to priſon, until they* " *can find the ſame*; *and if ſecurity ſhall be given, it* " *will be forfeited on their playing or betting at any* " *one time, for more than the value of twenty ſhil-* " *lings.*"

If, in conformity to the *ſpirit* of this wiſe ſtatute, ſharpers of every denomination who ſupport themſelves, by a variety of cheating and ſwindling practices, without having any viſible means of living, were in like manner to be called upon to find ſecurity for their good behaviour, in all caſes where they cannot ſhew they have the means of ſubſiſting themſelves honeſtly, the number of theſe peſts of ſociety, under an active and zealous Magiſtracy, would ſoon be diminiſhed, if not totally annihilated.

By the 12th of George the Second, (*cap.* 28. § 2, 3,) " *the Games of Faro, Hazard, &c. are declar-* " *ed to be Lotteries, ſubjecting the perſons who keep* " *them to a penalty of two hundred pounds, and thoſe* " *who play to fifty pounds.*"—*One* witneſs is only neceſſary to prove the offence before any Juſtice of the Peace; *and the Juſtice forfeits ten pounds if he neglects to do his duty under the act*:—and under this act, which is connected with the ſtatute 8th of George I. cap. 2, it ſeems that " *the Keeper of a Faro Table may be pro-* " *ſecuted for the penalty of five hundred pounds.*"

Notwithſtanding theſe ſalutary laws, to the diſgrace of the police of the Metropolis, houſes are opened under the ſanction of high-ſounding names,

where an indiſcriminate mixture of all ranks is to be found, from the *finiſhed ſharper* to the *raw inexperienced youth*. And where all thoſe evils exiſt, in full force, which it was the object of the Legiſlature to remove.

When a vice, ruinous to the morals and to the fortunes of the younger part of the community who move in the middle and higher ranks of life is ſuffered to be purſued in direct oppoſition to a *poſitive ſtatute*; —ſurely, blame muſt attach ſomewhere!

The idle vanity of being introduced into what is generally but erroneouſly termed genteel ſociety where a faſhionable name announces an intention of ſeeing company, has been productive of more *domeſtic miſery* and more *real diſtreſs*, *poverty* and *wretchedneſs* to *families* in this great City (who but for their folly might have been eaſy and comfortable,) than many volumes could detail.

A miſtaken ſenſe of what conſtitutes human happineſs, fatally leads the maſs of the people who have the means of moving, in any degree, above the middle ranks of life, into circles where Faro Tables and other games of hazard are introduced, in private families:— Where the leaſt recommendation (and ſharpers ſpare no pains to obtain recommendations) is a paſsport to all who can exhibit a genteel exterior; and where the young and the inexperienced are initiated in every propenſity tending to debaſe the human character; while they are taught to view with contempt every acquirement, connected with the duties which lead to domeſtic happineſs, or to thoſe qualifications which can render either ſex reſpectable in the world.

To the horde of ſharpers at preſent upon the town, theſe pernicious places of rendezvous furniſh a moſt productive harveſt.

Many of this claſs, ruined perhaps themſelves in early life in ſeminaries of the ſame deſcription, to which they fooliſhly reſorted, when vanity predominated over prudence and diſcretion, have no alternative but

to follow the ſame miſchievous trade, and to prey upon the ignorant, the inexperienced, and the unwary, until they alſo, ſee the fatal deluſion when it is too late.*

When ſuch infamous practices are encouraged and ſanctioned by high-ſounding names, when ſharpers and black-legs find an eaſy introduction into the houſes of perſons of faſhion, who aſſemble in multitudes together, for the purpoſe of playing at thoſe moſt odious and deteſtable games of hazard, which the legiſlature has ſtigmatized with ſuch marks of reprobation, it is time for the civil Magiſtrate to ſtep forward:—It is time for him to feel, that in doing that duty which the laws of his country impoſe on him, he is perhaps ſaving hundreds of families from ruin and deſtruction; and preſerving to the infants of thoughtleſs and deluded parents that property which is their birth right: but which for want of an energetic police in enforcing the laws made for their protection is now too frequently ſquandered: and the mind is tortured with the ſad reflection, that with the loſs of fortune, all opportunities (in conſequence of idle habits) are alſo loſt, of fitting the unfortunate ſufferer for any reputable purſuit in life, by which an honeſt livelihood could be obtained.

In this ſituation, the tranſition from the plain gameſter to the fraudulent one, and from that to every other ſpecies of criminality, is eaſily conceived: and it is by no means an unfair concluſion, that this has been the fate of not a few who have been early introduced into theſe haunts of idleneſs and vice; and who, but for ſuch an education might have become uſeful members of the State.

The accumulated evils, ariſing from this ſource, are ſaid to have been ſuffered to continue from a prevailing idea, that perſons of rank and their immedi-

* A moſt lamentable proof of this, was exhibited in the unhappy caſe of Mr. WESTON, lately executed for a forgery on the Bank.

ate aſſociates were beyond the reach of being controlled, by laws made for the maſs of the people; and that nothing but capital offences could attach to perſons of this condition in life.

If theſe evils were, in fact, merely confined to perſons of rank and fortune, and did not extend beyond that barrier where no general injury could accrue to ſociety, there might be a ſhadow of excuſe (and it would be but a ſhadow) for not hazarding an attack upon the amuſements of the great, where the energy of the executive government to controul their œconomy may be doubtful: but ſurely in the preſent caſe, where the miſchief ſpreads *broad* and *wide*, no good Magiſtrate can or ought to be afraid to do his duty, becauſe perſons in high life may dare to ſanction and promote offences of a nature the moſt miſchievous to ſociety at large, as well as to the peace, comfort, and happineſs of families.

If the exertions of the Magiſtracy are to be ſuſpended until the higher ranks ſee the frivolity, the ſhameful profligacy and the horrid waſte of uſeful time, as well as the cruel deſtruction of decent and reſpectable families, in that point of view which will operate as an antidote to the evil, it is much to be feared that it muſt, under ſuch circumſtances, become incurable.

But there are other inducements, more nearly allied to the occurrences in humble life, which render it in a particular degree incumbent on Magiſtrates to make trial, at leaſt, whether there is not ſufficient energy in the law to control the hurtful vices of the higher, as well as the middling, and inferior ranks of the people: The examples of the great and opulent operate moſt powerfully among the tribe of *menial ſervants* they employ; and theſe carry with them into the lower ranks that ſpirit of gambling and diſſipation which they have practiſed in the courſe of their ſervitude; thus producing conſequences of a moſt alarming nature to the general intereſt of the com-

munity. Aided by such examples, considerable numbers of persons attached to pursuits of this kind, become Swindlers, Sharpers, and Cheats, of an inferior class; in the same manner as those of superior talents and education, are driven from a spirit of gambling, or from profligacy, to become outcasts of society. The various tricks and devices of all these to obtain the means of living in idleness, and upon the industry and property of others, it may now be necessary to explain.

I. *Sharpers who obtain Licenses to become Pawnbrokers*,* and bring disgrace upon the reputable part of the trade, by every species of fraud which can add to the distresses of those who are compelled to raise money in this way; for which purpose there are abundance of opportunities--Swindling Pawnbrokers, of this Class, are uniformly receivers of stolen goods; and under the cover of their licence do much mischief to the public. The evil arising from them might, in a great measure, be prevented by placing the power of granting licences in the hands of the Magistrates of the division, upon the footing of public houses; and rendering it necessary for all persons to obtain a Certificate of character, before they can obtain such licences; and also to enter into recognizance for good behaviour.†

	Persons.	£
* Number of Pawnbrokers within the Bills of Mortality, paying a licence of £10. a year.	213	2130
In the Country, paying £5. a year,	431	2155
Total.	644	4285

† A regulation of this kind is of great importance; as the property of the poorest and most distressed part of the community, to the amount of more than half a million sterling, is constantly in the hands of Pawnbrokers in the Metropolis alone! and although it is of the utmost consequence that they, above all others, should be *honest*, *correct*, and even *humane* characters, (and it is to be hoped many of them are of that description,) yet certain it is that any person, even the most notorious rogue or vagabond, who can raise ten pounds to pay for a licence, may at present set up the trade of Pawnbroker; and it is even said that some have got licences who have actually been on board the Hulks!--a thing unavoidable under the present circumstances.

II. *Sharpers and Swindlers who obtain Licences to be Hawkers and Pedlars*; under the cover of which, every ſpecies of villainy is practiſed upon the country people, as well as upon the unwary in the Metropolis, and all the great towns in the kingdom.—The artifices by which they ſucceed, are various; as for example;—By fraudulent raffles, where plated goods are exhibited as ſilver, and where the chances are exceedingly againſt the adventurers;—By ſelling and uttering baſe money, and frequently falſe bank notes, which makes one of the moſt profitable branches of their trade;—By dealing in ſmuggled goods, thereby promoting the ſale of articles injurious to the Revenue, beſides cheating the ignorant with regard to the value;—By purchaſing ſtolen goods for country ſale, by which diſcoveries are prevented, and aſſiſtance afforded to common thieves and ſtationary receivers;—By purchaſing ſtolen horſes in one part of the country and diſpoſing of them in another, in the courſe of their journies; in accompliſhing which, ſo as to elude detection, they have great opportunities;—By gambling with E O Tables at Fairs and Horſe-races.

A number of other devices might be pointed out, which render this claſs of men great nuiſances in ſociety; and ſhew the neceſſity of either ſuppreſſing them totally, (for in fact they are now no convenience whatever to the public;) or of limiting the licences only to men of good character; to be granted by the Magiſtrates on their entering into a recognizance in a certain ſum, with one ſurety for good behaviour; by which the honeſt part would be retained, to the excluſion of the fraudulent.

III. *Swindlers who take out Licences as Auctioneers*, and open ſhops in different parts of the Metropolis, with a perſon at the door, inviting ſtrangers to walk in. In theſe places various articles of ſilver plate and houſhold goods are expoſed to ſale, made up on a ſlight principle, and of little intrinſic value; aſſoci-

ates, generally denominated *puffers*, are in waiting to bid up the article to a ſum greatly beyond its value, when, upon the firſt bidding of the ſtranger, it is knocked down to him, and the money inſtantly demanded; the goods, however, on being carried home and examined are generally found to be very different, in reality, from what their appearance exhibited, and upon a cloſe examination the fraud is diſcovered.

Neither the common law, nor the Act of the 30th George II. cap. 24, ſeems to be ſufficiently *broad* and explanatory to include this ſpecies of offence; and hence it is, that this mode of ſelling goods continues with impunity, and ſeems to increaſe.—It is not, however, meant here to inſinuate that all petty auctions are fraudulent. It is to be hoped there may be ſome exceptions, although they may not be numerous. A licence from the Magiſtrates of the diſtrict obliging the parties to find ſecurity, would in a great meaſure, regulate this kind of buſineſs, in a proper manner.

IV. *Swindlers who raiſe money, by pretending to be Diſcounters of Bills, and Money Brokers*; Theſe chiefly prey upon young men of property, who have loſt their money at play, or ſpent it in expenſive amuſements, and are obliged to raiſe more upon any terms, until their rents or incomes become payable; or who have fortunes in proſpect, as being heirs apparent to eſtates, but who require aſſiſtance in the mean time.

Availing themſelves of the credit, or the ultimate reſponſibility of ſuch thoughtleſs and giddy young men, in the eager purſuit of criminal pleaſures, and under the influence of thoſe allurements which the faſhionable Faro Tables hold out—theſe Swindlers ſeldom fail to obtain from them ſpecialities and obligations for large ſums; upon the credit of which they are enabled, perhaps, at uſurious intereſt, to borrow money, or diſcount bills; and thus ſupply

their unfortunate cuſtomers upon the moſt extravagant terms.

Another claſs, having ſome capital, advance money upon bonds, title-deeds, and other ſpecialities, or upon the bond of the parties having eſtates in reverſion; By theſe and other devices too tedious to detail, large ſums of money are, moſt unwarrantably and illegally, wreſted from the diſſipated and thoughtleſs. Miſery and diſtreſs are thus entailed upon them, as long as they live; or they are driven, by utter ruin, to acts of deſperation or to crimes.

A law ſeems abſolutely neceſſary to be pointed at this particular miſchief, which is certainly an increaſing evil. Humanity pleads for it; and *Policy* points out the neceſſity of ſome effectual guard againſt thoſe miſeries which it generates; and which could not exiſt in ſo great degree, were it not for the opportunities held out by theſe blood-ſuckers, in affording money to the young and the inexperienced, to be expended in ſcenes of gambling and debauchery.

V. *Cheats who ſet up Gaming Houſes in different parts of the metropolis*; where Sharpers aſſemble, and where inexperienced young men are allured for the moſt miſchievous purpoſes; after looſing what property they have about them, the deluded and unfortunate Gentlemen are furniſhed (if known to be men of fortune) by the maſter of the houſe, and his aſſociates the ſharpers, or the waiters, with loans; merely for the purpoſe of increaſing their misfortunes, and cheating them of perhaps the whole of their property.

Such abominable villains ought certainly to be held in the greateſt deteſtation, and the vigilance and exertions of the Magiſtracy cannot be better employed than in watching narrowly ſuch peſts of ſociety, and in putting the law in ſtrict execution againſt them.

VI. *Sharpers, who take Lottery Inſurances, where* gambling, among the higher and middling ranks, is

carried on to an extent which exceeds all credibility; producing conſequences to many private families, otherwiſe of great worth and reſpectability, of the moſt diſtreſſing nature; and implicating, in this miſery, the innocent and amiable branches of ſuch families, whoſe ſufferings, ariſing from this ſource, while they claim the tear of pity, would require many volumes to recount; but ſilence and ſhame throw a veil over the calamity: and, allured by the hopes of retrieving former loſſes, or acquiring property, in an eaſy way, the evil goes on, and ſeems to increaſe, in ſpite of every guard which the Legiſlature has repeatedly endeavoured to eſtabliſh.

VII. The next claſs is compoſed of perſons, in general very depraved or diſtreſſed: the depredations committed on the public by their means are ſo ruinous and extenſive as to require a conſideration peculiarly minute: in order to guard the ignorant and unwary, as much as poſſible, againſt the fatal effects of that fraud and deluſion, which if not ſoon checked, bid fair to deſtroy all remains of honeſty and diſcretion. This claſs conſiſts of

The Keepers of unlicenſed Inſurance Offices, during the drawing of the Engliſh and Iriſh Lotteries; many of whom, during the intervals of ſuch Lotteries, have recently invented and ſet up private Lotteries, or Wheels, called by the nickname of *Little Go's*, containing Blanks and Prizes, which are drawn for the purpoſe of eſtabliſhing *a ground for Inſurance*; the fever in the minds of the lower order of the people is thus kept up, in ſome meaſure, all the year round, and produces uncalculable miſchiefs; the rage and ſpirit of gambling becoming ſo rooted from habit, that no domeſtic diſtreſs, no conſideration, connected either with the frauds that are practiſed, or the number of chances that are againſt them, will operate as a check upon their minds.

In ſpite of the high price of proviſions, and of the care and attention of the Legiſlature in eſtabliſhing

ſevere checks and puniſhments for the purpoſe of preventing the evil of Lottery Inſurances, theſe criminal agents feel no want of cuſtomers: their houſes and offices are not only extremely numerous all over the metropolis, but in general *high-rented*; exhibiting the appearance of conſiderable expence, and barricadoed in ſuch a manner, with iron doors and other contrivances, as in many inſtances to defy the arm of the Law to reach them.

In tracing all the circumſtances of this intereſting buſineſs, with a view to the diſcovery of the cauſe of the great encouragement which theſe Lottery Inſurers receive, it appears that a conſiderable proportion of their emolument is derived from *menial ſervants* in general, all over the metropolis; but particularly from the pampered male and female domeſtics in the houſes of men of faſhion and fortune; who are ſaid, almoſt without a ſingle exception, to be in the conſtant habit of inſuring in the Engliſh and Iriſh Lotteries.

This claſs of *menials* being in many inſtances cloathed as well as fed by their maſters, have not the ſame calls upon them as labourers, and mechanics, who muſt appropriate at leaſt a part of their earnings to the purpoſe of obtaining both food and raiment.

With a ſpirit of gambling, rendered more ardent than prevails in vulgar life, from the example of their ſuperiors, and from their idle and diſſipated habits, theſe ſervants enter keenly into the Lottery buſineſs; and when ill luck attends them, it is but too well known that many are led, ſtep by ſtep, to that point where they loſe ſight of the moral principle; impelled by a deſire to recover what they have loſt, they are induced to raiſe money for that purpoſe, by ſelling or pawning the property of their maſters, wherever it can be pilfered in a little way, without detection; till at length this ſpecies of peculation, by being rendered familiar to their minds, generally terminates in more atrocious crimes.

Upon a ſuppoſition that one hundred thouſand families* in the metropolis keep two ſervants upon an average, and that one ſervant with another inſures only to the extent of twenty-five ſhillings each, in the Engliſh, and the ſame in the Iriſh Lottery, the aggregate of the whole will amount to HALF A MILLION STERLING.

Aſtoniſhing as this may appear at firſt view, it is believed that thoſe who will minutely examine into the Lottery tranſactions of their ſervants, will find the calculation by no means exaggerated: and when to this are added the ſums drawn from perſons in the middle ranks of life, as well as from the numerous claſs of labourers and artiſans who have caught the mania; it ceaſes to be a matter of wonder, that ſo many Sharpers, Swindlers, and Cheats find encouragement in this particular department.

If ſervants in general, who are under the controul of maſters, were prevented from following this abominable ſpecies of gambling; and if other expedients were adopted, which will be hereafter detailed, a large proportion of the preſent race of rogues and vagabonds who follow this infamous trade, would be compelled to become honeſt; and the poor would be ſhielded from the deluſion which impels them to reſort to this deceitful and fraudulent expedient; at the expence ſometimes of pledging every article of houſehold goods, as well as the laſt rag of their own, and their children's wearing apparel, not leaving even a ſingle change of raiment!

This view of a very prominent and alarming evil, known to exiſt, from a variety of facts well eſtabliſhed, and evinced, among others, by the pawnbrokers' ſhops overflowing with the goods of the labouring poor, during the drawing of the two Lotteries, ought

* It is eſtimated that in the preſent extended and improved ſtate of the metropolis, there are 162,000 inhabited houſes, ſuppoſed to contain about 240,000 families, including lodgers of every deſcription, reſiding in nearly 8,000 ſtreets, lanes, alleys, courts, and ſquares. *See poſt*, Chapter xiv.

to create a ſtrong deſire on the part of all maſters of families, to exert their utmoſt endeavours to check this deſtructive propenſity; and to prevent, as far as poſſible, thoſe diſtreſſes and miſchiefs which every perſon of humanity muſt deplore; the miſery and loſs of property which ſprings from this deluſive ſource of iniquity, is certainly very far beyond any idea that can be formed of it by the common obſerver.*

A general aſſociation, or perhaps an Act of Parliament, eſtabliſhing proper regulations, applicable to this and other objects, with regard to menial ſervants, would be of great utility.

If a legiſlative regulation could alſo be eſtabliſhed, extending certain reſtrictions to the members of the different *Friendly Societies* ſituated within the Bills of Mortality, with regard to fraudulent Lottery inſurances, above *ſeventy thouſand families* would be relieved from the conſequences of this inſinuating evil; which has been ſo fatal to the happineſs and comfort

* In conſequence of a very accurate enquiry which has been made, and of information derived from different ſources, it appears that fraudulent Lottery Inſurances have not diminiſhed. The Offices are numerous all over the Metropolis, and are ſuppoſed to exceed four hundred of all deſcriptions; to many of which there are perſons attached, called *Morocco Men*, who go about from houſe to houſe among their former cuſtomers, and attend in the back parlours of Public Houſes, where they are met by cuſtomers who make inſurances. It is calculated that at theſe offices (excluſive of what is done at the *licenſed* offices) premiums for inſurance are received to the amount of *eight hundred thouſand pounds*, during the Iriſh Lottery, and above *one million* during the Engliſh; upon which it is calculated that they make from 15 to 25 per cent. profit.—This infamous confederacy was eſtimated, during the Engliſh Lottery of the year 1796, to ſupport about 2000 agents and clerks, and nearly 7500 Morocco men, including a conſiderable number of hired *armed Ruffians* and *Bludgeon men*; theſe were paid by a general aſſociation of the principal Proprietors of theſe fraudulent Eſtabliſhments; who regularly meet in Committee, in a well-known public-houſe in Oxford Market, twice or thrice a week, during the drawing of the Lottery; for the purpoſe of concerting meaſures to defeat the exertions of the Magiſtrates, by alarming and terrifying, and even forcibly reſiſting, the Officers of Juſtice in all inſtances where they could not be bribed by pecuniary gratuities;—to effect which laſt purpoſe, neither money nor pains were ſpared; and the wretched agents of theſe unprincipled miſcreants were, in many caſes, prepared to commit murder, had attempts been made to execute the Warrants of Magiſtrates; as can be proved by inconteſtable evidence—It is much to feared that too much ſucceſs attended theſe corrupt and fraudulent proceedings, in violation and defiance of the laws of the Kingdom.

of a vaſt number of tradeſmen and artiſans, as well as inferior claſſes of labourers.*

Such prohibitions and reſtraints would have a wonderful effect in leſſening the profits of the lottery-office keepers: which, perhaps, is the very beſt mode of ſuppreſſing the evil. At preſent, the temptation to follow theſe fraudulent practices is ſo great, from the productive nature of the buſineſs, that unleſs ſome new expedient be reſorted to, no well-grounded hope can be entertained of leſſening the evil in any material degree.

In addition therefore, to what has already been ſuggeſted on the ſubject, other expedients have occurred to the Author; and ſome have been ſuggeſted by perſons well informed on this ſubject.

The Lottery in itſelf, if the poorer claſſes could be exempted from its miſchiefs, is certainly a fair reſource for revenue; by taxing the vices or follies of the people, in a country where ſuch a conſiderable proportion of the higher and middling ranks are poſſeſſed of large properties in money, which may induce them, through this medium to contribute to the aſſiſtance of the State, what would (probably to the ſame extent) be otherwiſe ſquandered and diſſipated, in idle amuſements.

It is a means alſo of benefit to the Nation, by drawing conſiderable ſums of money annually from foreign Countries, which are laid out in the purchaſe of tickets.

In many reſpects therefore, it might be deſirable to preſerve this ſource of revenue, if it can be confined to the purchaſe of Tickets, and to perſons of ſuch opulence, as upon the abolition of the Lottery could not probably be reſtrained from ſquandering

* The regulation propoſed, is this—that every member belonging to a Friendly Society ſhould be *excluded or expelled*, and deprived of all future benefits from the funds of that Society, on proof of his having inſured in any Lottery whatſoever, contrary to law;—and that this rule ſhould be general, wherever the Acts of Parliament, relative to Friendly Societies, have taken effect.

their money in another way, from which the State would derive no benefit.

The Lottery, on the plan upon which it is at present conducted, is certainly an evil of the utmoſt magnitude, and perhaps one of the greateſt nurſeries of crimes that ever exiſted in any country.—At the cloſe of the Engliſh Lottery drawn in 1796, the civil power was trampled upon and put to defiance in a moſt alarming and ſhameful manner, diſgraceful to the police of the Metropolis. The means uſed for this purpoſe have been already fully detailed; *ante*, *page* 118, *in the note*.

The profits of theſe Cheats and Swindlers were ſaid to be immenſe beyond all former example, during the Lottery drawn in the Spring, 1796; and of courſe, the poor were never in a greater degree plundered.

At no period will there be ſo much occaſion for the exertions of the Magiſtracy, as during the drawing of the enſuing Iriſh Lottery for 1796, and the Britiſh in 1797: but it is to be feared that even by this energy, oppoſed as it will be, by a ſyſtem both of corruption and of force unexampled in former times, no proper check can be given, until by new legiſlative regulations, ſome more effectual remedy is applied.

The following expedients, with the aſſiſtance of a ſuperintending, energetic, and well-regulated police, it is to be hoped, might be the means of greatly abridging this enormous evil, and of ſecuring to Government the ſame annual revenue which is at preſent obtained, or nearly ſo.

1. That the numbers of the tickets to be placed in the Lottery Wheels ſhall not be *running numbers*, as heretofore uſed; but ſhall be *intermediate* and *broken*; thereby preventing inſurances from being made on ſpecific numbers, from the impoſſibility of its being known to any but the *holders of tickets*, *or Commiſſioners*, what particular ticket at any time remains in the wheel.

2. That all perſons taking out licences to ſell Lottery Tickets, ſhall (inſtead of the bond with two ſureties for one thouſand pounds, now entered into under the act of the 22d George 3. cap. 47,) enter into a bond, with two ſureties alſo, for £5000.—which ſum ſhall be forfeited, on due proof that any perſon, ſo licenſed, ſhall have been, directly or indirectly, concerned in taking inſurances contrary to law; or in ſetting up, or being connected in the profit or loſs ariſing from any illegal inſurance office; or in employing itinerant Clerks, (called Morocco Men,) to take inſurances on account of perſons ſo licenſed.
3. That beſides the above-mentioned bond, all licenſed Lottery Office Keepers ſhall, previous to the drawing of each Lottery, make oath before a Magiſtrate, that they will not, in the courſe of the enſuing Lottery, be concerned either directly or indirectly, in ſetting up any illegal offices for the ſale of tickets or inſurance of numbers, contrary to law: Which affidavit ſhall be recorded, and a certificate thereof ſhall be indorſed on the licence, without which it ſhall not be valid. And that the affidavit may be produced in evidence, againſt perſons convicted of illegally inſuring; who ſhall in that event be liable to the puniſhment attached to perjury, and of courſe, to the ignominy of the pillory and impriſonment.
4. That all peace-officers, conſtables, headboroughs, or others, lawfully authorized to execute the warrants of Magiſtrates, who ſhall receive any gratuity, or ſum of money from illegal Lottery Inſurers, or from any perſon or perſons, in conſideration of any expected ſervices in ſcreening ſuch offenders from detection or puniſhment, ſhall, on conviction, be rendered infamous, and incapable of ever ſerving any public office; and be puniſhed by fine, impriſonment, or the pillory, as the Court, before whom the offence is tried, ſhall ſee proper.
5. That all perſons who ſhall be convicted of *paying money* on any contract for the benefit ariſing from the number of any Lottery Tickets, inſured upon any contingency (not being in poſſeſſion of the original ticket, or a legal ſhare thereof) ſhall forfeit £20. for every offence, to be levied by diſtreſs, &c.
6. That an abſtract of the penalties inflicted by law on perſons inſuring, or taking illegal inſurances in the Lottery, ſhall be read every Sunday, in all churches, chapels, meeting-houſes, and other places of public worſhip, during the drawing of the Iriſh and Engliſh Lottery reſpectively;

with a ſhort exhortation, warning the people of the conſequences of offending againſt the law: And that a copy of the ſame ſhall be paſted up in different parts of Guildhall, and conſtantly replaced during the drawing of the Lottery; and alſo at all the licenſed Lottery Offices within the Metropolis.

7. That a reward, not exceeding £50. be paid to any perſon employed as a clerk or ſervant in any illegal Lottery Office who ſhall be the means of convicting the actual or principal proprietor or proprietors of the ſaid office, who ſhall not appear themſelves in the management; alſo a ſum, not exceeding £40. on conviction of a known and acting proprietor; and a ſum not exceeding £10. on conviction of any clerk or manager, not being partners.
8. That the puniſhment to be inflicted on offenders ſhall be fine, impriſonment, or the pillory; according to the atrocity of the offence, in the diſcretion of the Court before which ſuch offenders ſhall be tried.

We next come to conſider;

VIII. *A claſs of Cheats of the ſociety of Jews, who are to be found in every ſtreet, lane, and alley, in and near the Metropolis, under the pretence of purchaſing old cloaths, and metals of different ſorts*; Their chief buſineſs really is, to prowl about the houſes and ſtables of men of rank and fortune, for the purpoſe of holding out temptations to the ſervants to pilfer and ſteal ſmall articles, not likely to be miſſed, which theſe Jews purchaſe at about one third of the real value.—It is ſuppoſed that upwards of two thouſand of theſe depraved people are employed in diurnal journies of this kind; by which, through the medium of bad money, and other fraudulent dealings, many of them acquire property, and then become Receivers of ſtolen Goods.

It is eſtimated that there are about twenty thouſand Jews in the city of London, beſides, perhaps, about five or ſix thouſand more in the great provincial and ſea-port towns; (where there are at leaſt twenty ſynagogues, beſides ſix in the Metropolis;) Theſe exiſt chiefly by their wits, as the ſuperſtitious adhe-

fence to a particular *mode of living*, and to their *fabbath*, prevents them (as has already been noticed) from placing out their children as ſervants, or apprentices, or binding their ſons to mechanical employments, or indeed to any uſeful art, by which they can aſſiſt in increaſing the national property—inſtead of which they diminiſh it, by living upon the induſtry of others, and by eſtabliſhing a ſyſtem of miſchievous intercourſe all over the country; the better to carry on their fraudulent deſigns in the circulation of baſe money,—the ſale of ſtolen goods, and in the purchaſe of metals of various kinds; as well as other articles pilfered from the dock-yards, and ſtolen in the provincial towns, which they bring to the Metropolis to elude detection,—and *vice verſâ*.

Educated in idleneſs from their earlieſt infancy, they acquire every debauched and vicious principle which can fit them for the moſt complicated arts of fraud and deception; to which they ſeldom fail to add the crime of perjury, whenever it can be of uſe, in ſhielding themſelves or their aſſociates from the puniſhment of the law.—From the orange boy, and the retailer of ſeals, razors, glaſs, and other wares, in the public ſtreets, to the ſhop-keeper, dealer in wearing apparel, or in ſilver and gold, the ſame principles of conduct too generally prevail.

The itinerants utter baſe money to enable them, by ſelling cheap, to diſpoſe of their goods; while thoſe that are ſtationary, with very few exceptions, receive and purchaſe, at an under-price, whatever is brought them, without aſking queſtions.

The miſchiefs which muſt reſult from the increaſe of this depraved race, ariſing from the natural courſe of population, are ſo obvious, that a remedy cannot be too ſoon applied; and little doubt can be entertained of obtaining the aſſiſtance of the whole body of the Jews of the higher claſs, for this purpoſe; ſince they cannot but view with horror and diſtreſs the de-

plorable condition and growing depravity of ſo large a proportion of the lower ranks of their own ſociety. Thoſe belonging to the Dutch ſynagogue, from their want of reſource for honeſt employment, are in a peculiar manner, rendered objects not only of commiſeration, but of ſerious attention on the part of the Legiſlature.

IX. *Cheats who ſell proviſions and other articles, by means of falſe weights and meaſures.* Nothing requires the aſſiſtance of the Legiſlature in a greater degree than this evil; to ſhield the poor againſt the numerous tricks thus practiſed upon them, by low and inferior ſhop-keepers and itinerants.

The ancient ſyſtem of regulating this uſeful branch of police by the juries of the court leet, having been found ineffectual, and in many reſpects inapplicable to the preſent ſtate of ſociety, an act paſſed the 35th of his preſent Majeſty, (*cap.* 102) to remedy the inconvenience with regard to fraudulent weights; but great difficulties have occurred on account of the expence of carrying it into execution, and alſo with regard to its anſwering any uſeful purpoſe without amendments.

It ſeems that the moſt ſimple and obvious as well as the moſt prompt method of remedying the evil would be to extend to the Magiſtrates the ſame juriſdiction, and eſtabliſh the ſame rules with regard to proving both weights and meaſures, which at preſent prevail with reſpect to *Bread*; allowing the expence of removing the weights, and the labour of the perſons employed, to be defrayed out of the county-rate; upon an order of any two Magiſtrates of the diviſion or diſtrict where the weights were tried.

From this plan, if purſued as ſteadily as that which already prevails in regulating Bakers, incalculable benefits would reſult to the lower ranks of people at a very ſmall expence.

X. *Cheats and Swindlers who aſſociate together, and enter into a conſpiracy for the purpoſe of defrauding*

Tradeſmen of their goods.—One of theſe ſharpers generally aſſumes the character of a merchant;—hires a genteel houſe, with a counting houſe, and every appearance of buſineſs.—One or two aſſociates take upon them the appearance of clerks, while others occaſionally wear a livery: and ſometimes a carriage is ſet up, in which the ladies of the party viſit the ſhops, in the ſtile of perſons of faſhion, ordering goods to their apartments.—Thus circumſtanced, goods are obtained on credit, which are immediately pawned or ſold, and the produce uſed as a means of deception to obtain more, and procure recommendations, by offering to pay ready money,—or to diſcount bills.

When confidence is once eſtabliſhed in this way, notes and bills are fabricated by theſe conſpirators, as if remitted from the country, or from foreign parts; and application is made to their newly-acquired friends, the tradeſmen, to aſſiſt in diſcounting them. Sometimes money and bills upon one another are lodged at the bankers for the purpoſe of extending their credit, by referring to ſome reſpectable name for a character.

After circulating notes to a conſiderable amount, and completing their ſyſtem of fraud by poſſeſſing as much of the property of others as is poſſible, without riſk of detection, they move off; aſſume new characters; and when the bills and notes are due, the parties are not to be found.

Offences of this ſort, where an actual conſpiracy cannot be proved, which is generally very difficult, are not eaſily puniſhed; and it ſeems of importance that frauds and impoſitions of this ſort, and others of the ſame nature, where the confidence of tradeſmen and manufacturers is abuſed by miſrepreſentation and falſhood, ſhould be defined; ſo as to render it difficult for the parties to eſcape puniſhment.

XI. *Cheats who take genteel lodgings, dreſs elegantly, aſſume falſe names:*—pretend to be related to perſons of credit and faſhion—produce letters familiarly

written to prove an intimacy,—enter into converſation and ſhew theſe letters to tradeſmen and others, upon whom they have a deſign—get into their good graces; purchaſe wearing apparel and other articles, and diſappear with the booty.

This ſpecies of offence would be very difficult to reach by any exiſting law, and yet it is practiſed in various ſhapes in the Metropolis, whereby tradeſmen are defrauded to a very conſiderable extent.—Some legiſlative guards would certainly be very deſirable to define and puniſh theſe offences alſo.

XII. *Cheats, who have been formerly in the ſervice of Milliners, Mantua-Makers, Taylors, and other traders, who have occaſion to ſend to ſhop keepers and warehouſemen for goods*;—Theſe, after being diſcharged from their ſervice, getting into the company of the ſharpers and thieves, while out of place, teach them how to perſonate their former employers; in whoſe names they too frequently ſucceed in obtaining conſiderable quantities of goods before the fraud is diſcovered.

It would certainly be a good rule at no time to deliver goods upon a verbal meſſage; and it would be uſeful if all perſons diſcharging ſervants, would give notice of it to every tradeſman with whom they deal.

XIII. *Cheats who perſonate Gentlemen's footmen*; Theſe order goods to be ſent to a genteel lodging, where the aſſociate is in waiting, who draws upon ſome banker in a diſtant part of the town for the money; or, if the check is refuſed, a country bank-note (the gentleman juſt being arrived in town) is offered to be changed, which, although a forgery, often ſucceeds: if this ſhould alſo fail, this miſchievous claſs of people, from habit and cloſe attention to the means of deception, are ſeldom at a loſs in finding out ſome other expedient; and before the fraud is diſcovered, the parties are off; and the maſter transformed into the livery-ſervant, to practice in his turn the ſame trick upon ſome other perſon.

XIV. *Cheats who aſſociate ſyſtematically together, for the purpoſe of finding out and making a prey of every perſon from the country, or any ignorant perſon who is ſuppoſed to have money, or who has come to London for the purpoſe of ſelling goods.*—It is uſual in ſuch caſes for one of them to aſſume the character of a young 'Squire, juſt come to his eſtate; to appear careleſs and prodigal, and to ſhew handfulls of bank-notes, all of which are falſe and fabricated for the purpoſe.

Another perſonates the guardian of the 'Squire, while a part of the aſſociates pretend to ſit down to play, and having won money of the young ſpendthrift, who appears extremely ignorant and profuſe, the ſtranger's avarice gets the better of his prudence, and he is induced at length to try his luck:—the reſult is, that he is ſoon left without a penny.

XV. *Cheats who prowl about in all the ſtreets and lanes of the trading part of the metropolis, where ſhopmen and boys are carrying parcels:* Theſe, by means of various ſtratagems, find out where the parcels are going, and regulating their meaſures accordingly, ſeldom fail by ſome trick or other, (ſuch as giving the lad a ſhilling to run and call a coach,) to get hold of the property.—Porters and young men from the country ſhould be particularly cautioned never to quit any property intruſted to their care, until delivered (not at the door) but within the houſe to which it is directed.

XVI. *Cheats who attend Inns, at the time that coaches and waggons are loading or unloading.* Theſe by perſonating *porters* with aprons and knots, or *clerks* with pens ſtuck in their wigs or hair, and by having recourſe to a variety of ſtratagems, according to the peculiar circumſtances of the caſe, aided by their having previouſly noticed the addreſs of ſeveral of the parcels, ſeldom fail of ſucceſs in the general hurry and confuſion which prevail at ſuch places. This proves how neceſſary it is at all times to have one or two intelligent officers of juſtice, who know the faces

of thieves, in attendance, while goods are receiving and delivering.

XVII. *Cheats who go from door to door collecting money; under pretence of ſoliciting for a charitable eſtabliſhment*, for the benefit of poor children, and other purpoſes. But the money, in place of being ſo applied, is generally ſpent in eating and drinking; and the moſt infamous impoſition is thus practiſed upon the charitable and humane, who are the dupes of this ſpecies of fraud in too many inſtances.

XVIII. *Sharpers who are known by the name of Duffers.* Theſe go about from houſe to houſe, and attend public-houſes, inns, and fairs, pretending to ſell ſmuggled goods, ſuch as India handkerchiefs, waiſtcoat-patterns, muſlins, &c. By offering their goods for ſale, they are enabled to diſcover the proper objects, who may be ſucceſsfully practiſed upon in various ways; and if they do not ſucceed in promoting ſome gambling ſcheme, by which the party is plundered of his money, they ſeldom fail in paſſing forged country banks notes, or baſe ſilver and copper in the courſe of their dealings.

XIX. *Female Sharpers who dreſs elegantly, perſonate women of faſhion, attend maſquerades, and even go to St. James's.* Theſe, from their effrontery, actually get into the circle; where their wits and hands are employed in obtaining diamonds, and whatever other articles of value, capable of being concealed, are found to be moſt acceſſible.

The wife of a well-known ſharper now upon the town, is ſaid to have appeared at court, dreſſed in a ſtile of peculiar elegance; while the Sharper himſelf is ſuppoſed to have gone in the dreſs of a clergyman. —According to the information of a noted receiver, they pilfered to the value of £1700. on the King's birth-day (1795,) without diſcovery or ſuſpicion.

Houſes are kept where female Cheats dreſs and undreſs for public places.—Thirty or forty of theſe ſharpers generally attend all maſquerades, in different

characters, where they ſeldom fail to get clear off with a conſiderable booty.

XX. *Among the claſſes of Cheats may be ranked a ſpecies of Female Bankers.* Theſe accommodate barrow-women and others, who ſell fiſh, fruit, vegetables, &c. in the ſtreets, with five ſhillings a day; (the uſual diurnal ſtock in trade in ſuch caſes;) for the uſe of which, for twelve hours, they obtain a premium of *ſix-pence*, when the money is returned in the evening: receiving thereby at this rate, about *ſeven pounds ten ſhillings a year* for every five ſhillings they lend out!

A Police-Magiſtrate, on diſcovering this extraordinary ſpecies of fraud, attempted to explain to a barow-woman on whom it was practiſed, that by ſaving up a ſingle *five ſhillings*, and not laying any part of it out in gin, but keeping the whole, ſhe would ſave £7. 10*s.* a year, which ſeemed to aſtoniſh her, and to ſtagger her belief.—It is to be feared, however, that it had no effect upon her future conduct, ſince it is evident that this improvident and diſſolute claſs of females have no other idea than that of making the day and the way alike long.—Their profits (which are often conſiderably augmented by dealing in baſe money, as well as fruit, vegetables, &c.) ſeldom laſt over the day, for they never fail to have a luxurious dinner and a hot ſupper, with abundance of gin and porter: looking in general no farther than to keep whole the original ſtock, with the *ſix pence* intereſt, which is paid over to the female banker in the evening: and a new loan obtained on the following morning of the ſame five ſhillings again to go to market.

In contemplating this curious ſyſtem of banking, (trifling as it ſeems to be) it is impoſſible not to be forcibly ſtruck with the immenſe profits that ariſe from it. It is only neceſſary for one of theſe female ſharpers to poſſeſs a capital of *ſeventy ſhillings*, or three pounds ten ſhillings, with fourteen ſteady and

regular cuſtomers, in order to realize an annual income of ONE HUNDRED GUINEAS a year.

XXI. *Cheats who pretend to tell fortunes.* Theſe impoſe on the credulity of the public, by advertiſements and cards; pretending a power, from their knowledge of aſtrology, to foretel future events, to diſcover ſtolen property, lucky numbers in the Lottery, &c.

The extent to which this miſchief goes in the metropolis is almoſt beyond belief; particularly during the drawing of the Lottery.—The folly and phrenzy, which prevail in vulgar life, lead ignorant and deluded people in the ſnare of adding to the misfortunes which the Lottery occaſions, by additional advances of money (obtained generally by pawning goods or apparel) paid to pretended aſtrologers for ſuggeſting *lucky numbers*, upon which they are adviſed to make inſurances; and under the influence of this unaccountable deluſion, they are too often induced to increaſe their riſks and ruin their families.

One of theſe impoſtors who lived long in the Curtain Road, Shoreditch, is ſaid, in conjunction with his aſſociates, to have made near £300. a year by practiſing upon the credulity of the lower orders of the people.—He ſtiled himſelf (in his circulating cards) an *Aſtronomer and Aſtrologer*; and ſtated, *That he gave advice to Gentlemen and Ladies on buſineſs, trade, contracts, removals, journeys by land or water, marriages, children, law-ſuits, abſent friends, &c.* And further, that *he calculated nativities accurately.*—His fee was half-a crown.

An inſtance of miſchievous credulity, occaſioned by conſulting this impoſtor, fell lately under the review of a Police Magiſtrate. A perſon having property ſtolen from him, went to conſult the conjurer reſpecting the thief; who having deſcribed ſomething like the perſon of a man whom he ſuſpected, his credulity and folly ſo far got the better of his reaſon and reflection, as to induce him upon the authori-

ty of this impoſtor *actually to charge his neighbour with a felony*, to cauſe him to be apprehended. The Magiſtrate ſettled the matter by diſcharging the priſoner; reprimanded the accuſer ſeverely; and ordering the conjuror to be taken into cuſtody, according to law, *as a rogue and vagabond.*

But the deluſion with regard to fortune-tellers is not confined to vulgar life, ſince it is known that ladies of rank, faſhion, and fortune, contribute to the encouragement of this fraudulent profeſſion in particular, by their viſits to a pretended Aſtrologer of their own ſex in the neighbourhood of Tottenham-Court-Road; This woman, to the diſgrace of her votaries, whoſe education ought to have taught them the folly and weakneſs of countenancing ſuch groſs impoſition, finds the practice of it extremely productive.*

The act of the 9th George the Second, *cap.* 5, *puniſhes all perſons pretending ſkill in any crafty ſcience; or telling fortunes, or where ſtolen goods may be found; with a year's impriſonment, and ſtanding four times in the pillory* (once every quarter) *during the term of ſuch impriſonment. The act called the Vagrant Act, made the 17th year of the ſame reign* (*cap.* 5.) *declares ſuch perſons to be rogues and vagabonds, and liable to be puniſhed as ſuch.*

It is ſincerely to be hoped that thoſe at leaſt who are convinced, from having ſuffered by the groſs impoſition practiſed upon the credulity of the people by theſe peſts of ſociety, will enable the Civil Magiſtrate, by proper informations, to ſuppreſs ſo great an evil.

Innumerable almoſt are the other tricks and devices which are reſorted to by the horde of cheats, ſwindlers, and ſharpers, who infeſt the Metropolis.

The great increaſe of commerce, and the confidence reſulting from an intercourſe ſo wide and ex-

* The encouragement which this Impoſtor has received from the weaker part of the females of rank and fortune, in this metropolis, has raiſed up others; who have the effrontery to inſult the underſtanding of the Public by advertiſements in the Newſpapers.

tended, frequently lays men of property and tradeſmen open to a variety of frauds; Credit is obtained, by ſubterfuges and devices contrary to the plain rules of common honeſty, againſt which, however, there is no remedy but by an action at common law.

If it were poſſible to look accurately at the different evils ariſing from fraudulent and ſwindling practices, ſo as to frame a ſtatute that would generally reach all the caſes that occur, whenever the barrier of moral honeſty is broke down, it would certainly be productive of infinite benefit to the community; for, in ſpite of the laudable exertions of the Society eſtabliſhed for proſecuting ſwindlers, it is to be lamented that the evil has not diminiſhed.—On the contrary, it has certainly increaſed; and muſt continue to do ſo, until the Legiſlature, by an applicable law and an improved ſyſtem of police, either directly or collaterally attaching to theſe offences, ſhall provide the means of ſuppreſſing them.

CHAP. VIII.

Receivers of ſtolen Goods more miſchievous than Thieves: —the latter could not exiſt without the aſſiſtance of the former:—The ſuppreſſion therefore of Receivers would reſtore to ſociety, and to honeſt induſtry, a great number who at preſent live by crimes.—The increaſe of Receivers of ſtolen Goods to be attributed to the imperfection of the laws, and to the diſjointed ſtate of the police of the Metropolis.—The number of common Receivers does not exceed ſixty; of whom not above ten are perſons of property able to purchaſe valuable articles, —Thieves, in many inſtances, ſettle with Receivers before they commit robberies:—Receivers always benefit more than Thieves:—Their profit is immenſe:— They are divided into two claſſes.—The immediate Receivers connected with Thieves, and with thoſe who keep ſhops and purchaſe from pilferers in the way of trade:—The latter are extremely numerous.—The laws are inſufficient effectually to reach either claſs.— The exiſting ſtatutes examined and briefly detailed, namely the 3d and 4th of William and Mary, cap. 9; the 1ſt Anne, c. 9; the 5th of Anne, c. 31; 4 George I. c. 11; 29 George II. c. 30; 30 George II. c. 24; 2 George III, c. 28; 10 George III. c. 48; 21 George III. c. 69; 22 Geo. III. c. 58.—Obſervations on theſe reſpective ſtatutes.—Amendments and improvements ſuggeſted.—A remedy propoſed to enſure their due execution.

HAVING in the ſeven preceding Chapters completed the propoſed explanation of the various depredations and frauds upon the public: it remains now, in the order of the plan, to examine and follow up

the progreſs of this property, from the hands of the *thieves*, *robbers*, *cheats*, and *ſwindlers*, to that of the *Receivers*, or firſt purchaſers of goods ſtolen or fraudulently obtained.

In contemplating the characters of all theſe different claſſes of delinquents, there can be little heſitation in pronouncing the *Receivers* to be the moſt *miſchievous of the whole*; inaſmuch as without the aid they afford, in purchaſing and concealing every ſpecies of property ſtolen or fraudulently obtained, thieves, robbers, and ſwindlers muſt quit the trade, as unproductive and hazardous in the extreme.—A remark, the important truth of which muſt excuſe its frequent repetition.

Nothing therefore can be more juſt than the old obſervation, "*that if there were no Receivers there would be no thieves.*"—Deprive a thief of a ſale and ready market for his goods, and he is undone.

Let the ſtrong arm of the law, and the vigour and energy of the police, be directed in a particular manner againſt *Receivers*; and the chief part of thoſe robberies and burglaries, which are ſo much dreaded, on account of the acts of violence which attend them, *would abſolutely ceaſe to exiſt*:—and the reſource for plunder being thus narrowed in ſo great a degree, robberies on the highway would *alone* ſeldom anſwer the purpoſe of the adventurer; where the riſk would be ſo exceedingly multiplied, while the advantages were in the ſame proportion diminiſhed;—the reſult therefore would be, that in *the ſuppreſſion of the Receivers*, the encouragement to become thieves and robbers would be taken away: and the preſent depredators upon the public muſt either return to honeſt labour as uſeful members of the State, or ſubmit to be ſtarved.

Obvious and deſirable however as a meaſure of this ſort would be, it has never hitherto been put in practice; This has proceeded from a variety of cauſes; one of the principal of which is the disjointed

ſtate of the police of the Metropolis, occaſioned by a number of juriſdictions claſhing with one another, and preventing the full operation of a proper ſyſtem of vigilance and energy; which, with the aid of oppoſite and improved laws and a ſuperintending agency, could not fail, either to root out all the Receivers of ſtolen Goods of any conſequence; or compel them to abandon their miſchievous trade.

Theſe obſervations apply to that claſs of Receivers alone, who are in immediate connection with the thieves, burglars, and highway robbers;—and who aid and aſſiſt them in the purchaſe and concealment of whatever is ſtolen.—From the beſt information that can be obtained their number does not exceed *fifty* or *ſixty in all;* of whom not more than ten, (whoſe names and places of abode are well known) can be ſaid to be perſons of property, who can raiſe money to purchaſe articles of value.

Aided by a well-regulated and energetic ſyſtem of police that might pervade the whole metropolis, how eaſy would it be, to compel theſe large dealers to abandon the trade? The meaſure of watching their houſes day and night would coſt no great ſum, and would embarraſs the thieves and burglars, more than any other ſyſtem that could be purſued.

It rarely happens that thieves go upon the highway, or commit burglaries, until the money they have previouſly acquired is exhauſted. Having laid their plans for new depredations, a negociation is frequently entered upon with the moſt favourite Receiver, who (to uſe their own language) is likely to be *ſtaunch*, and to keep their ſecrets.—The plan is explained.—Some liquor is drank to the good of the enterprize, and the hour fixed when they are to return with the booty: if plate is expected, the crucible is ready in a ſmall furnace, built for the purpoſe, inſtantly to melt it, and arrangements are made for the immediate concealment of the other articles.—

Of the nature of these previous arrangements, some notice has already been taken, *pages* 74—76.

There are, however, exceptions to this rule, where the Receivers are not trusted, till the booty is acquired; and where it is in the first instance removed to the houses of the thieves, or to some of their friends; but it seldom remains longer than may be necessary to obliterate the marks: for money must be procured. All thieves are improvident;—their wants are therefore pressing—they *must* sell—the Receiver knows this, and makes his own terms;—and he of course enjoys by far the largest share of the profit.

The plunder thus purchased, finds a ready vent, through the extensive connections of the Jew dealers, both in this country and upon the Continent: and from the facts already stated in the course of this work, it may be easily conceived that the trade is not only extensive, but that the profit is immense, since it rarely happens (except in the article of plate) that thieves receive to the amount of above one third or one fourth of the value of what is stolen.

The mass of the Receivers of stolen property in and near the Metropolis, may be classed in two divisions:

1. The Dealers already mentioned, as immediately connected with professed and notorious thieves, and who are their principal supporters, especially when apprehended and under prosecution. Many of these have themselves been originally thieves upon the town, *acquitted*, *pardoned*, *or discharged from the Hulks*; who prefer the trade of a Receiver as less hazardous, and more profitable, than that of a thief; and, to conceal the fraud, frequently set up *Chandler's-Shops*, *Coal-Sheds*, *Potatoe-Warehouses*, or *Old Iron Shops*, and not seldom become *Masters of Public Houses*, that they may appear to have some *visible* means of obtaining a livelihood. Those who have not been originally thieves generally keep shops in different branches of trade, some of whom are very opulent.
2. The Dealers in *Old Iron and other Metals—Rags—Old Wearing Apparel—Ship-Stores—Junk, and Handstuff—*

*Buyers, Refiners, and Workers of Gold and Silver—Dealers in Second hand Furniture, and Building Materials, and that Claſs of Sharping Pawnbrokers, who have connections with criminal people.**

The Dealers laſt mentioned are extremely numerous, and amount to ſeveral thouſands in the Metropolis alone, ſome of whom are *innocent Receivers*, not aware that they are purchaſing ſtolen articles: others, *careleſs Receivers*, aſking no queſtions, and purchſiang every thing that is offered: —but a large proportion of *Criminal Receivers*, who purchaſe every thing that is offered *in the way of trade*; well knowing from the price and other circumſtances, that the property has been originally ſtolen.

As the laws now ſtand, (numerous and pointed as they appear to be) it has been found from experience, that neither of theſe claſſes can be eaſily reached; and hence it is that they have multiplied in ſo great a degree, (particularly the ſmall Receivers) within the laſt twenty years, and may even be ſaid to have reigned with impunity.

For the purpoſe of ſuggeſting an effectual legiſlative remedy, it will be neceſſary to examine ſhortly the laws now in being, which are applicable to this particular offence.——

By the Statute of the 3d and 4th of William and Mary, cap. 9, it is enacted, "*that Receivers of ſtolen Goods, knowing them to be ſtolen, ſhall be deemed acceſſaries after the fact.*"——

But this offence being dependent on the fate of the principal—a Receiver, thus circumſtanced, could not be tried till after the conviction of ſuch principal; ſo that however ſtrong and concluſive the evidence might be the Receiver was ſtill ſafe, unleſs the thief could be apprehended—and even if apprehended and put upon his trial, if acquitted through any defect of evidence, the Receiver, (although he had actually confeſſed the crime, and the goods found in his poſſeſſion, could be proved to have been ſtolen,)

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* Vide pages 8, 35, 36, 37, and 79.

muſt be acquitted alſo: this offence alſo, even if completely proved, applied only to capital felonies and *not to petty larceny.*

Theſe defects were diſcovered, and partly remedied by the Statutes 1 Anne, cap. 9; and 5 Anne, cap. 31, which enact, "*That Buyers and Receivers of ſtolen Goods, knowing them to be ſtolen, may be proſecuted for a miſdemeanor; and puniſhed by fine and impriſonment, though the principal be not previouſly convicted of felony.*"

This Act, 5 Anne, c. 31, alſo greatly improved the Laws applicable to this ſpecies of offence, *by empowering the Court to ſubſtitute a corporal puniſhment inſtead of fine and impriſonment; and by declaring, that if the felony ſhall be proved againſt the thief, then the Receiver ſhall be taken as acceſſary, and ſhall receive judgment of death; but the benefit of Clergy is reſerved.*

The laws being ſtill found inſufficient, the ſtatute of the 4th of George the Firſt, cap. 11, enacted, "*That Receivers of ſtolen Goods, knowing them to be ſtolen, ſhould on conviction, be tranſported for fourteen years; and that buying at an under value ſhould be preſumptive evidence of ſuch knowledge:*"—and the ſame ſtatute *makes it felony (according to the nature of the felony committed in ſtealing the Goods) for any perſon directly or indirectly to take a reward for helping any perſon to ſtolen goods; unleſs ſuch perſon bring the felon to his trial, and give evidence againſt him.*

But theſe amendments alſo proving ineffectual, and not being found to apply immediately to perſons receiving ſtolen *lead, iron, copper, braſs, bell-metal or ſolder* taken from buildings, or from ſhips, veſſels, wharfs, or quays—It was enacted by the 29th of George the Second, cap. 30, "*That every perſon who ſhall buy or Receive ſuch articles, knowing the ſame to be ſtolen, or who ſhall privately purchaſe theſe reſpective metals, by ſuffering any door, window, or ſhutter to be left open between ſun-ſetting and ſun-riſing, or ſhall buy or receive any of the ſaid metals in any clandeſtine manner,*

ſhall, on conviction, be tranſported for fourteen years, although the principal felon has not been convicted. Sec. 1.

THE ſame act *empowers one Juſtice to grant a warrant to ſearch in the day time for ſuch metals ſuſpected to be ſtolen, as by the oath of one witneſs may appear to be depoſited or concealed in any houſe or place; and if goods are found, the act goes ſo far as to empower two Juſtices to adjudge the perſon having the cuſtody of the ſame, guilty of a miſdemeanor, if he cannot produce the party from whom he purchaſed, or give a ſatisfactory account how they came into his poſſeſſion; and the offender ſhall, for the firſt offence forfeit* 40*s. for the ſecond* £4: *and for every ſubſequent offence* £6. *Sec.* 2; 6.

THIS act alſo *empowers officers of juſtice (and watchmen while on duty) to apprehend all perſons ſuſpected of conveying any ſtolen metals, as already deſcribed, after ſun-ſet or before ſun-riſe; and if ſuch perſons cannot give a good account of the manner by which they were obtained, two magiſtrates are in like manner authorized to adjudge them guilty of a miſdemeanor, and they forfeit forty ſhillings, &c.* Sec. 3; 6.

The perſons alſo to whom ſuch articles are offered for ſale or to be pawned, where there is reaſonable ground to ſuppoſe they were ſtolen, are empowered to apprehend and ſecure the parties and the materials, to be dealt with according to law. And if it ſhall appear, even on the evidence of the thief, corroborated by other teſtimony, that there was cauſe to ſuſpect the goods were ſtolen, and that the perſon to whom they were offered, did not do his duty, in apprehending the perſon offering the ſame, he ſhall be adjudged guilty of a miſdemeanor, and forfeit twenty ſhillings for the firſt offence: forty ſhillings for the ſecond, and four pounds for every ſubſequent offence, Sec. 5. 6. And ſo anxious has the Legiſlature been to ſuppreſs the evil of ſtealing and receiving metals, that the 8th Section *entitles the actual thief to a pardon, on the diſcovery and conviction of two or more of the Receivers.* And the 9th Section *ſcreens from pro-*

ſecution any perſon ſtealing ſuch metals, who ſhall diſcover the Receiver to whom the ſame were delivered, ſo as a conviction might follow. In ſpite, however, of theſe numerous and apparently effectual checks, it is to be lamented that the evil increaſes every day.

In the following year it was provided by the Act 30th of George the Second, cap. 24, *that it ſhall be lawful for any pawnbroker or any other dealer, their ſervants, or agents, to whom any goods ſhall be offered to be pawned, exchanged, or ſold, which ſhall be ſuſpected to be ſtolen, to ſeize and detain the perſons offering the ſame, for the purpoſe of being examined by a Juſtice; who is empowered, if he ſees any grounds to apprehend that the goods have been illegally obtained, to commit the perſons, offering the ſame, to priſon for a period not exceeding ſix days; and if on further examination, the Juſtice ſhall be ſatisfied that the goods were ſtolen, he ſhall commit the offender to priſon, to be dealt with according to law; and although it may, under ſuch circumſtances, afterwards appear that the goods in queſtion were fairly obtained, yet the parties who ſeized the ſuppoſed offender ſhall be indemnified.* Sec. 7, 8.

It would have been uſeful if the principles of the firſt of theſe excellent acts had extended to every kind of goods and chattels, *horſes, cattle, money* and *bank notes*,* as well as to the metals therein deſcribed. Indeed it is to be lamented, that the ſyſtem has not been to look at great features of abuſe in *the groſs*, ſo as to meet every exiſting evil at once. Thus another partial ſtatute was made, 2 George III. *c.* 28, extending the proviſions of the 29th George II. *c.* 30. to goods, ſtores, or materials taken from ſhips in the River Thames, by enacting, "*that all perſons purchaſing ſuch goods, knowing them to be ſtolen, or receiving the ſame in a concealed or clandeſtine manner between ſun-ſetting and ſun-riſing, ſhall be tranſported for fourteen years, although the principal felon be not*

* Vide, Page 7.

convicted :" but by the wording of this act, it is doubtful if it applies to receiving goods ſtolen from veſſels not afloat in the River.*

THE next ſtatute applicable to the Receivers of ſtolen Goods, is the 10th George III. cap. 48. by which it is enacted, " *that every perſon who ſhall buy or receive any jewels, gold, ſilver, plate or watches, knowing the ſame to be ſtolen, where ſuch ſtealing was accompanied by a burglary or highway robbery, may be tried as well before as after the principal felon is convicted ; and whether he be in, or out of cuſtody ; and if found guilty, ſhall be tranſported for fourteen years.*

ELEVEN years after the paſſing of the abovementioned ſtatute, the legiſlature, appearing to be impreſſed with the great extent of the depredations committed by perſons ſtealing *pewter-pots*,† and deſirous to puniſh the Receivers, the ſtatute of the 21ſt of George the Third, cap. 69, enacts, *that every perſon who ſhall buy or receive any pewter pot or other veſſel, or any pewter in any form or ſhape whatſoever, knowing the ſame to be ſtolen, or who ſhall privately buy or receive ſtolen pewter, in a clandeſtine manner, between ſun-ſetting and ſun-riſing, ſhall, on conviction, be tranſported for ſeven years, or detained in the Houſe of Correction, at hard labour for a term not exceeding three years, nor leſs than one ; and may be whipped not more than three times ; although the principal felon has not been convicted.*"

In the following Seſſion of Parliament, the ſtatute 22 George III. *c.* 58. (ſaid to have been framed by an able and experienced Lawyer and Magiſtrate‡) removed many of the imperfections of former ſtatutes, and particularly that which reſpected Petty Larceny ; by enacting, " *that, where any*

* It was held in the trial of Moſes Pike, at the Old Bailey, in May 1784, that to ſteal from a barge aground in Limehouſe-Dock, was not within the meaning of the act of the 24th of George the Second, cap. 45. which makes it felony to ſteal from any veſſel or craft upon a Navigable River, &c.

† Vide Page 32.

‡ Mr. Serjeant Adair, then Recorder of London.

goods (except lead, iron, copper, braſs, bell-metal, or ſolder; the Receivers of which are puniſhable under the 29th George 2. *c.* 30. *noticed before,* p. 179.) *have been ſtolen, whether the offence amount to Grand Larceny, or ſome greater offence, or to Petty Larceny only; (except where the offender* has been convicted *of Grand Larceny, or ſome greater offence; when the receiver muſt be proſecuted as an acceſſary, and under* ſtat. 4, George I. c. 11. *may be tranſported for fourteen years;* ſee pages 138, 139.*)—Every perſon who ſhall buy or receive the ſame, knowing them to be ſtolen, ſhall be guilty of a miſdemeanor, and puniſhed by fine, impriſonment, or whipping, as the Quarter Seſſions, who are empowered to try offenders, or any other court before whom they ſhall be tried, ſhall think fit, although the principal be not convicted; and if the felony amounts to Grand Larceny, or ſome greater offence, and the perſon committing ſuch felony has not been before convicted, ſuch offender ſhall be exempted from being puniſhed as acceſſary, if the principal ſhall be afterwards convicted.* Sect. 1.

THIS act alſo empowers *one Juſtice to grant a warrant to ſearch for ſtolen goods in the day time, on oath being made that there are juſt grounds of ſuſpicion; and the perſon concealing the ſaid goods, or in whoſe cuſtody they are found, ſhall in like manner be guilty of a miſdemeanor, and puniſhed in the manner before-mentioned.*—Sec. 2.

THE ſame act extended the powers granted by former acts relative to metals, *to any other kind of goods; by authorizing peace-officers (and alſo watchmen while on duty) to apprehend all perſons ſuſpected of carrying ſtolen goods after ſun-ſetting and before ſun-riſing, who ſhall, on conviction, be adjudged guilty of a miſdemeanor, and impriſoned, not exceeding ſix, nor leſs than three months.*—Sec. 3.

POWER is alſo given by this act *to any perſon to whom goods, ſuſpected to be ſtolen, ſhall be offered to be*

ſold or pawned, to apprehend the perſon offering the ſame, and to carry him before a Juſtice.—Sec. 4.

And as an encouragement to young thieves to diſcover the Receivers, the ſame act provides, *That if any perſon or perſons being out of cuſtody, or in cuſtody if under the age of* 15 *years, upon any charge of felony within benefit of Clergy, ſhall have committed any felony, and ſhall diſcover two Receivers, ſo as that they ſhall be convicted, ſuch Diſcoverer ſhall have pardon for all felonies by him committed before ſuch diſcovery.*

Theſe various acts of Parliament prove how very prominent the evil of receiving ſtolen goods has been in the view of the legiſlature. It is to be lamented however, that a more general and comprehenſive view has not been taken of the ſubject, by ſubſtituting, inſtead of the piece-meal ſyſtem which has been from time to adopted, on ſuggeſtions applicable only to particular caſes, *one general law that ſhould have embraced every object*, and remedied every defect in the exiſting ſtatutes, on this important ſubject of criminal juriſprudence.

That theſe laws, numerous and applicable as many of them appear to be, have not been in any degree effectual, is clearly manifeſted by the unqueſtionable increaſe of the evil, even to an extent beyond all calculation.

Under ſuch circumſtances, where the Receiver is in reality the greateſt offender, and even the ſource from whence moſt of the burglaries and highway robberies have their origin, the thief being not ſeldom his pupil—*Why ſhould not the Receipt of Stolen Goods be made an original offence?*—Why ſhould not the rewards for detection, and the puniſhment on conviction, be the ſame, in the caſe both of the receiver and the Thief.*

* The general rule of the ancient law is this;—that acceſſaries ſhall ſuffer the ſame puniſhment as principals.—If one one be liable to death, the other is alſo liable.

Blackstone.

In France, (before the Revolution) the offence of receiving ſtolen goods was puniſhed with death.

In contemplating the beſt means of preventing depredations upon the public, the ſimpleſt, and perhaps the moſt effectual mode would be to *make a ſtand at this particular point*: by bending the attention *wholly* to the means of deſtroying effectually *the trade of receiving ſtolen goods*; under the fulleſt conviction that by accompliſhing ſo valuable a purpoſe, thieving and ſwindling in all its branches would alſo in a great meaſure be deſtroyed.

It is believed, that this object (difficult as it may appear) is attainable, by well-digeſted applicable laws, containing and enforcing ſuch regulations as would enſure a full and energetic execution.

The importance of a meaſure of this kind is ſo immenſe, that if even a conſiderable part of one Seſſion of Parliament were employed in deviſing and legalizing a proper ſyſtem, it would be time well and uſefully ſpent for the benefit of the country.

The obvious remedy ſeems to lie within a narrow compaſs, and having been partly ſuggeſted in the courſe of this Work, may be ſummed up under the following heads.——

I. To conſolidate and improve the laws now in being, relative to *Receivers of ſtolen goods*; by an arrangement which ſhall render the whole *clear* and *explicit*, and applicable to all the evils which have been felt to exiſt.

II. To make the following additions, namely—

1. To make the receiving ſtolen Goods an *original offence*; puniſhable in the ſame manner, in all caſes, as the principal felons are puniſhed by law.
2. The offence of receiving *money*, *bank-notes*, *horſes*, *cattle*, *poultry*, or *any matter* or thing whatſoever, to be the ſame as receiving goods and chattels.
3. The perſons committing any felony or larceny to be competent to give evidence againſt the Receiver, and *vice verſa*; Provided that the teſtimony and evidence of ſuch principal felon againſt the Receiver, or the evidence of the Receiver againſt the principal felon, ſhall not be of itſelf ſufficient to convict, without other concurrent evidence: and that the offenders ſo giving evidence ſhall be entitled to

His Majeſty's pardon, and alſo to a reward from £10. to £50. as hereafter mentioned, unleſs they ſhall be found guilty of wilful and corrupt perjury.—*By this means the Thief will be ſet againſt the Receiver, and the Receiver againſt the Thief.*

4. That rewards be paid for the detection and apprehenſion of Receivers as well as Thieves, in all caſes whatſoever, according to the diſcretion of the judge; *whether there ſhall be a conviction or not*; which rewards ſhall not be leſs than *ten* and may extend to *fifty pounds*.

5. That all Dealers in *Old Metals, Rags, and Handſtuff, Second hand Naval Stores, Second-hand Wearing Apparel, Itinerant Dealers in Wearing Apparel and Metals, Perſons keeping Crucibles and Melting Pots, Perſons keeping Draught or Truck Carts to remove Metals or Stores*, ſhall be licenſed annually by Magiſtrates, and put under certain regulations, and ſhall enter into recognizance for their good behaviour: and that no licences be granted to perſons convicted of felony or perjury, or to any but ſuch as can obtain and produce a certificate of good character.*.

6. That all *Publicans, Pawnbrokers, Watchmakers, Buyers of Gold and ſilver, Refiners of Gold and Silver, Working and other Silverſmiths, Dealers in Second-hand Furniture, Brokers in Second-hand Goods, Dealers in Old Building Materials, Dealers in Dead Horſes and other Animals, and Narrow Weavers dealing in Raw Silk*, ſhall annually make a return to the Magiſtrates of the diſtrict, where they reſide, of their names and places of abode; and be ſubject to a penalty for concealing any ſtolen goods which may come into their poſſeſſion, after the ſame are advertiſed;—or puniſhed with tranſportation, if it can be made appear that ſuch goods were purchaſed at an under-value, knowing them to be ſtolen†.

7. That all drivers of hackney coaches, employed to take fares after twelve o'clock at night, ſhall be licenſed by the Magiſtrates of the diviſion; and ſhall enter into recognizance for their good behaviour, themſelves and one ſurety in £50. at leaſt: and ſhall be obliged, whenever they carry any goods or valuables, to make a report of the ſame, on the following morning, to the Magiſtrate of his diſtrict, if no ſuſpicion ariſes as to any improper or felonious intention; but in all caſes where a felonious intention ſhall ap-

* Vide Chap. II. Pages 35—37.
† Vide Chap. V. Page 79.

pear, the coachman to be authorised and required to call the assistance of the watchmen and patroles, and to seize and apprehend the parties, and lodge them and the goods in the nearest watch-house; there to be kept until brought before a Justice, at the Public Office of the district, on the following morning: And although it may ultimately appear that the coachman was mistaken and the parties innocent, yet where it shall be manifest to the Justice that he hath acted *bona fide*, he shall not be liable to any prosecution:* and if it shall appear that the goods so conveyed *were* stolen property, then the coachman shall be entitled, whether a conviction shall follow or not, to a reward of *two guineas*; and in all cases where a prosecution shall follow, he shall be entitled to such further reward as the court shall think proper.†

8. That all watchmen or patroles who shall appear upon proper proof to connive at the commission of felonies‡ in the night time, or while they are on duty; or shall knowingly conceal any felonious removal of stolen goods, or goods suspected to be stolen, and conveying to Receivers' houses shall be deemed guilty of a misdemeanor, and liable to be *imprisoned*, *whipt* or *put in the pillory*.—And *in all cases* where such watchmen or patroles shall observe any goods or other articles conveyed in hackney coaches, or in any other manner, while they are upon duty, from one place to another, they shall report the same to the Justices at the nearest Public Office, in the morning: But if they shall have good grounds to suspect a felonious intention, and that the property is stolen, the goods and all the parties, concerned shall be conveyed to the nearest watch-house, for the purpose of being brought before a Magistrate; and such watchmen (acting *bona fide*) shall not be liable to any prosecution in case of a mistake;§ and if any felony shall have been actually committed, they shall each be entitled to one guinea, besides their proportion of any future reward which may be ordered by the Court who shall try the offenders.‖

* Vide Act 30. George II. cap. 24, also pages 139, and 140.

† Vide Chap. V. Page 77, 78.

‡ An Officer of Police who was lately watching the house of a noted Receiver, in St. James's parish, being taken for a thief by the watchman, the latter entered into conversation with him, and naming the Receiver, he told the Officer that he being very liberal and kind to them, they did not disturb any person going to his house; and if he had any thing to carry there, he would step out of sight, so as to be able to say he had seen nothing.

§ Vide Chap. V. Pages 79—80.

‖ Vide Act 30. Geo. II. cap. 24.

In the information of ſuch a ſyſtem, it is abſolutely neceſſary that care ſhould be taken to ſecure a *regular* and perfect *execution*, by which means of a proper ſuperintendance and inſpection; without this, the beſt laws will remain a *dead letter*. Such has, in fact, been the caſe in a great meaſure with reſpect to ſeveral of the very excellent Statutes, now in force, relative to Receivers of ſtolen Goods: and ſuch alſo would be the caſe with regard to the laws relative to the *Revenue*, if a ſyſtem had not been eſtabliſhed to ſecure their execution.

If it be allowed that the prevention of crimes is at leaſt of as much importance to ſociety, as any conſideration, connected with partial revenue: If experience has ſhewn that, after the ſkill and ingenuity of the ableſt lawyers and the moſt profound thinkers have been exhauſted in framing laws to meet offences, which are daily in the progreſs of being committed; theſe offences are progreſſively increaſing: Is it not clear to demonſtration, that ſome *active principle* is wanting, which does not at preſent exiſt, for the purpoſe of rendering theſe laws effectual?—

This principle of activity is, it is humbly apprehended, only to be eſtabliſhed by the introduction of the foregoing, or ſome ſimilar ſyſtem of *regulation*; which ſhall attach to all claſſes of dealers, who, in their intercourſe with ſociety, are in the train of encouraging, either directly or collaterally, tranſactions of *an immoral*, *a fraudulent*, or a *miſchievous nature*.

The idea is not new in the ſyſtem of the juriſprudence of the country; Publicans have been long under regulations preſcribed by Magiſtrates; Pawnbrokers alſo have been of late years regulated to a certain extent by ſtatute. Let the ſame principle be extended to the other dealers already mentioned; and let the Legiſlature, profiting by that experience which has manifeſted the cauſe of the inefficacy of a vaſt number of penal ſtatutes, eſtabliſh ſuch a ſyſtem of *regulation*, *inſpection*, and *ſuperintendance*, as will inſure

to the public the full benefits arifing from good laws, adminiftered with activity, purity and difcretion.

Nothing can evince in a greater degree the neceffity of *infpecting* the execution of all *laws of regulation* where the well being of fociety is concerned, than the abufes which occur with regard to the two claffes juft mentioned, namely, public houfes and pawnbrokers. Many excellent rules are eftablifhed by the Legiflature, and the Magiftrates; but while it is feldom the intereft of the depraved or difhoneft part of thefe two claffes to adhere to fuch rules, by what means is the execution to be infured, fo as to operate as a complete protection to the public?—furely not by the operation of the law through the medium of common informers; fince independent of the invidious nature of the office, experience has fhewn that the public good rarely enters into the conffideration of perfons of this defcription; who look merely to their own emolument, frequently holding up the penalties as a rod by which money is privately extorted, and the parties laid under contribution, for the purpofe of allowing them to continue in the practice of thefe abufes, which the engine ufed for this nefarious purpofe was meant to prevent.

The fyftem of infpection, thus ftrongly and repeatedly recommended, while it remedied thefe corrupt practices, by preventing the exiftence of the evil, could only be difagreeable to *fraudulent dealers*.

The honeft and fair tradefmen entering into competition with men who carry on bufinefs by fraudulent devices, are not upon an equal footing. Such fair traders who have nothing to dread, would therefore rejoice at the fyftem of infpection which is propofed, and would fubmit to it cheerfully; as having an immediate tendency to fhield them from fraudulent competition, and to protect the public againft knavery and difhonefty.

CHAP. X.

The state of the Police, with regard to the detection of different classes of offenders, explained.—The necessity, under the present circumstances, of having recourse to the known Receivers of stolen Goods for the purpose of discovering offenders, as well as the property stolen.—The great utility of Officers of Justice as safeguards of the community.—The advantages to be derived from rendering them respectable in the opinion of the public. Their powers, by the common and statute law, are extensive.—The great antiquity of the office of Constable, exemplified by different ancient statutes.—The authority of Officers and others explained, in apprehending persons accused of felony.—Rewards granted in certain cases as encouragements to Officers to be vigilant:—The statutes quoted applicable to such rewards, shewing that they apply to ten different offences.—The system of rewards, as now established, shewn to be radically deficient; exemplified by the circumstance, that in 1088 *prisoners, charged at the Old Bailey in one year, with* 36 *different offences, only* 9 *offences entitled the apprehenders to any gratuity:—Improvements suggested for the greater encouragement of Officers of Justice.* 1000 *peace officers in the Metropolis and its vicinity, of whom only* 50 *are stipendiary constables.—Little assistance to be expected from parochial officers, while there exists no fund for rewarding extraordinary services.—Great advantages likely to result from rewarding all Officers for useful services actually performed.—The utility of extending the same gratuities to Watchmen and Patroles.—Defects and abuses in the system of the Watch explained.—The number of Watchmen and Patroles in the Metropolis estimated at* 2044*:—A general system of superintendance sug-*

geſted.—A view of the Magiſtracy of the Metropolis.—The efficient duty ſhewn to the reſt with the City and Police Magiſtrates.—The inconvenience of the preſent ſyſtem.—Remedies propoſed.

AS it muſt be admitted, that the evils ariſing from the multiplied crimes detailed in the eight preceding chapters, render a correct and energetic ſyſtem of police, with regard to the *detection*, *diſcovery*, and *apprehenſion* of offenders, indiſpenſably neceſſary for the ſafety and well-being of Society; it follows of courſe, in the order of this Work, to explain *how this branch of the public ſervice is conducted at preſent*, *the defects which are apparent*, *and the means of improving the ſyſtem.*

When robberies or burglaries have been committed in or near the metropolis, where the property is of conſiderable value, the uſual method at preſent, is to apply to the City Magiſtrates, if in London, or otherwiſe to the Juſtices at one of the Public Offices,* and to publiſh an advertiſement offering a reward on the recovery of the articles ſtolen, and the conviction of offenders.†

* It is a well known fact that many perſons who ſuffer by means of ſmall robberies, afraid of the trouble and expence of diſcovery and proſecution, ſubmit to the loſs without enquiry; while others, from being ſtrangers to the laws, and to the proper mode of application, fall into the ſame miſtake; this, by proving a great encouragement to thieves of every claſs, is of courſe an injury to the public.—In all caſes where robberies are committed, the parties ſuſtaining the loſs have only to enquire for the neareſt Public Office, and apply there, and ſtate the caſe to the ſitting Magiſtrates, who will point out the proper mode of detection; every aſſiſtance, through the medium of conſtables, will then be given for the purpoſe of recovering the property and apprehending the offenders.—The ſame aſſiſtance will be afforded by the Lord Mayor and Aldermen, ſitting at the Manſion-houſe and Guildhall, whenever the offence is committed within the limits of the City of London.

† It had been uſual for many years previous to 1752, when robberies were committed, to make a compoſition of the felony, by advertiſing a reward to any perſon who would bring the property ſtolen, to be paid without aſking any queſtions; but the pernicious conſequences of recovering goods in this way, from the encouragement ſuch advertiſements held out to thieves and robbers of every deſcription, became ſo glaring and obvious, that an act paſſed the 25th year of Geo.

In many cafes of importance, recourfe is had to noted and known Receivers of ftolen Goods for their aſſiſtance in diſcovering ſuch offenders, and of pointing out the means by which the property may be recovered: This has on many occaſions been productive of ſucceſs to the parties who have been robbed, as well as to the ends of public juſtice; for however lamentable it is to think that Magiſtrates are compelled to have recourſe to ſuch expedients, yet while the preſent ſyſtem continues, and while robberies and burglaries are ſo frequent, without the means of prevention, there is no alternative on many occaſions *but to employ a thief to catch a thief.*

It is indeed ſo far fortunate, that when the influence of Magiſtrates is judiciouſly and zealouſly employed in this way it is productive in many inſtances of conſiderable ſucceſs, not only in the recovery of property ſtolen, but alſo in the detection and puniſhment of atrocious offenders.

Wherever activity and zeal is manifeſted on the part of the Magiſtrates, the peace officers, under their immediate direction, ſeldom fail to exhibit a ſimilar deſire to promote the ends of public juſtice. And when it is conſidered that theſe officers, while they conduct themſelves with purity, are truly *the ſafeguards of the community* deſtined to protect the public againſt the outrages and lawleſs depredations of a ſet of miſcreants, who are the declared enemies of the State, by making war upon all ranks of the body politic, who have property to loſe; they have a fair claim, while they act properly, to be eſteemed as "*the civil defenders of the lives and properties of the people.*"

If it is an honourable profeſſion to repel by force the foreign enemies of the State, why ſhould it not be

II. cap. 36. *inflicting a penalty of* 50*l. on any perſon* (including the printer and publiſher) *who ſhall publickly advertiſe a reward for the return of ſtolen goods, with,* "*no queſtions aſked,*" *without ſaving the perſon producing the goods ſtolen:—or who ſhall offer to return any pawnbroker's, or other perſon, the money lent thereon, or any other reward for the return of the articles ſtolen.*

equally ſo to reſiſt and to conquer theſe domeſtic invaders of property, and deſtroyers of lives, who are conſtantly in a ſtate of criminal warfare?

Every thing that can heighten in any degree the reſpectability of the office of *Conſtable*, adds to the ſecurity of the State, and the ſafety of the life and property of every individual.

Under ſuch circumſtances, it cannot be ſufficiently regretted that theſe uſeful agents, deſtined for the protection of the public, have been (with a very few exceptions) ſo little regarded, and ſo ill ſupported and rewarded for the imminent riſques which they run, and the ſervices they perform, in the execution of their duty as Officers of criminal juſtice.

The common law, as well as the ancient ſtatutes of the kingdom, having placed extenſive powers in the hands of *Conſtables* and *Peace Officers*;—they are, in this point of view, to be conſidered as *reſpectable*;—and it is the intereſt of the community that they ſhould ſupport that rank and character in ſociety, which correſponds with the authority with which they are inveſted.—If this were attended to, men of credit and diſcretion would always be glad to fill ſuch ſituations; and thoſe pernicious prejudices, which have prevailed in vulgar life, and in ſome degree among the higher ranks in Society, with regard to *thief-takers*, would no longer operate; for it is plain to demonſtration "*that the beſt of laws that ever were made can avail nothing, if the public mind is impreſſed with an idea that it is a matter of infamy, to become the caſual or profeſſional agent to carry them into execution.*"

This abſurd prejudice againſt the office of a Conſtable, and the ſmall encouragement which the major part receive, is one of the chief reaſons why unworthy characters have filled ſuch ſituations; and why the public intereſt has ſuffered by the increaſe of crimes.

The office of conſtable is as old as the Monarchy of England, and certainly exiſted in the time of the

Saxons.* The law requires that he ſhould be *idoneus homo.* Or in other words, *to have honeſty to execute the office without malice, affection, or partiality; knowledge to underſtand what he ought to do; and ability, as well in ſubſtance or eſtate, as in body,* to enable him to conduct himſelf with utility to the public.

The ſtatute of Wincheſter, made in the 13th year of Edward the Firſt (anno 1285) appoints two conſtables to be choſen in every Hundred; and ſuch ſeems to have been the attention of the Legiſlature to the Police of the Country at that early period of our hiſtory, "*that ſuſpicious night-walkers are ordered to be arreſted and detained by the watch.*†

The ſtatute of 5 Edward III. *cap.* 14, (anno 1332) empowers conſtables "*to arreſt perſons ſuſpected of man-ſlaughter, felonies, and robberies, and to deliver them to the Sheriff, to be kept in priſon till the coming of the Juſtices:* and another act of the 34th of the ſame reign, *cap.* 1, (made anno 1361,) empowers Juſtices, *(inter alia,)* "*to enquire after wanderers, to arreſt and impriſon ſuſpicious perſons, and to oblige perſons of evil fame to give ſecurity for good behaviour: ſo that the people may not be troubled by rioters, nor the peace diminiſhed, nor merchants and others travelling on the highways be diſturbed or put in peril by ſuch offenders.*"

By the common law, every perſon committing a felony may be arreſted by any perſon whomſoever preſent at the fact, who may ſecure the priſoner in gaol, or carry him before a Magiſtrate,‡ and if a priſoner thus circumſtanced, reſiſts and refuſes to yield, thoſe who arreſt will be juſtified in the beating him§, or, in caſe of abſolute neceſſity, even killing him.‖

In arreſting perſons on ſuſpicion of a felony, actually committed, *common fame* has been adjudged to be a reaſonable cauſe.¶

* Fineux. † Wirton. chap. 4.
‡ Hale. § Pult. 10, a. ‖ Hale. ¶ Dalton.

There are four methods, known in law, by which officers of juſtice, as well as private individuals, may arreſt perſons charged with felony.—1. *By the warrant of a magiſtrate.*—2. *By an officer without a warrant.*—3. *By a private perſon without a warrant.*—And 4. *By hue and cry.**

When a warrant is received by an officer, he is bound to execute it, ſo far as the juriſdiction of the Magiſtrate and himſelf extends. But the *Conſtable* having great original and inherent authority, may *without warrant*, apprehend any perſon for a breach of the peace: and in caſe of felony *actually committed*, he may, on probable ſuſpicion, arreſt the felon: and for that purpoſe (as upon the warrant of a Magiſtrate,) he is authoriſed to break open doors, and even juſtified in killing the felon if he cannot otherwiſe be taken.†

All perſons, preſent when a felony is committed, are bound to arreſt the felon, on pain of fine and impriſonment, if he eſcapes through negligence of the by-ſtanders; who will (the ſame as a conſtable) in ſuch caſe be juſtified in breaking open doors, to follow ſuch felon, and even to kill him if he cannot be taken otherwiſe.‡

The other ſpecies of arreſt is called *Hue and Cry*, which is an *alarm raiſed in the country* upon any felony being committed. This was an ancient practice in uſe as far back as the reign of Edward the Firſt, (1285) by which, in the then infant ſtate of ſociety, it became eaſy to diſcover criminal perſons flying from juſtice.

However doubtful the utility of this ancient method of detecting offenders may be, in a great metropolis, in the preſent extended ſtate of ſociety, it is plain, that it has been conſidered as an important regulation of Police ſo late as the 8th George II. (1735) ſince it was enacted in that year, (ſtat. 8. George II.

* Blackſtone. † Ibid. ‡ Ibid.

cap. 16.) that the conſtable who neglects making *hue and cry*, forfeits five pounds; and even the diſtrict is liable to be fined (according to the law of Alfred) if the felony be committed therein, and the felon eſcapes.* This however applies more particularly to the country, where the practice cannot fail to be uſeful in a certain degree.

When a *hue and cry* is raiſed, every perſon, by command of the conſtable, muſt purſue the felon, on pain of fine and impriſonment.

In this purſuit alſo, conſtables may ſearch ſuſpected houſes if the doors be open: but *unleſs the felon is actually in the houſe*, it will not be juſtifiable to uſe force; nor even then, except where admittance has been demanded and refuſed.

Under all circumſtances, a conſtable, even without any warrant, may break open a door for the purpoſe of apprehending a felon; but to juſtify this meaſure, he muſt not only ſhew that the felon was in the houſe, but alſo that acceſs was denied after giving notice that he was a conſtable, and demanding admittance in that capacity†. In the execution of the warrant of a Magiſtrate, the officer is certainly authoriſed to break open the doors of the felon, or of the houſe of any perſon where he is concealed. The firſt is lawful under all circumſtances; but forcibly entering the houſe of a ſtranger may be conſidered as a treſpaſs, if the felon ſhould not be there.‡

Such are the powers with which conſtables are inveſted, and which are, in many inſtances, enforced by penalties, that public juſtice may not be defeated.

In addition to this, the wiſdom of the Legiſlature, as an encouragement to officers and others to do their duty in apprehending and proſecuting offenders, has granted rewards in certain caſes; *Namely*,

* Blackſtone. † Hale. ‡ Ibid.

		£
4 Will. & Mary, c. 8; and 6 Geo. I. c. 23.	1. For apprehending and profecuting to conviction, every robber on the highway, including the ſtreets of the metropolis, and all other towns a reward of 40l beſides the *horſe, furniture, arms*, and *money*, of the ſaid robber, if not ſtolen property: to be paid to the perſon apprehending, or if killed in the endeavour, to his Executors. And the ſtat. 8 Geo. 2. c. 16, ſuperadds 10l. to be paid by the hundred indemnified by ſuch taking.	40
6 & 7 Will. & Mary, c. 17; and 15 & 16 Geo. II. c. 28.	2. For apprehending, and profecuting to conviction, every perſon who ſhall have counterfeited, clipped, waſhed,* filed, or diminiſhed the current coin; or who ſhall gild ſilver to make it paſs as gold, or copper as ſilver :—or who ſhall utter falſe money, (being the third offence) or after being once convicted of being a common utterer, &c. a reward of	40
	3. For apprehending, and profecuting to conviction, every perſon counterfeiting copper money, a reward in money, of	10
10 and 11 Will. III. c. 23.	4. For apprehending, and profecuting to conviction, every perſon privately ſtealing to the value of 5s. from any *ſhop, warehouſe*, or *ſtable*, a Tyburn ticket,† average value, about	20
10 and 11 Will. III. c. 23.	5. For apprehending, and profecuting to conviction, every perſon charged with a burglary, a reward of 40l. (to the apprehender, or if killed to his executors) in money, and a Tyburn ticket 20l.	60
5 Anne c. 31.	6. For apprehending, and profecuting to conviction, every perſon charged with houſe-breaking in the day time, 40l. in money, and a Tyburn ticket 20l.	60
	7. For apprehending, and profecuting to conviction, any perſon charged with horſe-ſtealing, a Tyburn ticket.	20
6 Geo. I. c. 23.	8. For apprehending, and profecuting with effect, a perſon charged with the offence of compounding a felony, by taking money to help a perſon to ſtolen goods, without profecuting and giving evidence againſt the felon,	40
14 Geo. II. c. 6. 15 Geo. II. c. 34.	9. For apprehending, and profecuting with effect, a perſon charged with ſtealing or killing to ſteal, any ſheep, lamb, bull, cow, ox, ſteer, bullock, heifer, or calf,	10
16 Geo. II. c. 15. 8 Geo. III. c. 15.	10. For apprehending, and profecuting with effect, perſons returning from tranſportation	20

* In conſequence of ſome doubts which have been ſtarted relative to waſhed money, the reward in this caſe is not paid; it is confined entirely to the conviction of *coiners*.

† This is a Certificate which may be aſſigned *once*, exempting the perſon who receives it, or his immediate aſſignee, from all offices within the pariſh or ward where the felony was committed.—In ſome pariſhes it will ſell from 25l. to 30l.—in others it is not worth above 15l. to 18l. according to local ſituation.

Theſe rewards apply to ten different offences, and ought, no doubt, to be a conſiderable ſpur to officers to do their duty; but it ſeems as if there is ſome radical error in the ſyſtem; ſince, however atrocious moſt of theſe offences are which have been ſelected at different periods by the legiſlature as objects of reward, it is extremely doubtful whether this meaſure has not, in ſome degree, tended to the increaſe of a multitude of ſmaller crimes which are pregnant with the greateſt miſchiefs to ſociety. It is by deterring men from the commiſſion of *ſmaller* crimes (ſays the Marquis Beccaria) that *greater* ones are prevented.

If ſmall rewards were given in caſes of offences denominated grand larceny; (which have become extremely numerous,) as well as of ſeveral other felonies, frauds, and miſdemeanors, which occaſion a conſiderable preſſure upon the public, a ſpecies of activity would enter into the ſyſtem of detection, which has not heretofore been experienced.——

While rewards are limited to higher offences, and CONVICTION *is the indiſpenſable condition upon which they are granted*, it is much to be feared that leſſer crimes are overlooked; and the public ſubjected, in many inſtances, to the intermediate depredations of a rogue, from his firſt ſtarting upon the town until he ſhall be worth 40l.

This ſyſtem of giving high rewards (only on conviction), alſo tends to weaken evidence; ſince it is obvious that the Counſel for all priſoners, whoſe offences entitle the proſecutor and officers to a reward, generally endeavour to impreſs upon the minds of the Jury an idea that witneſſes, who have a pecuniary intereſt in the conviction of any offender ſtanding upon trial, are not, on all occaſions, deſerving of full credit, unleſs ſtrongly corroborated by other evidence; and thus many notorious offenders often eſcape juſtice.

By altering the ſyſtem entirely, and leaving it in the breaſt of the judge who tries the offence, to determine what reward ſhall be allowed, with a power to *grant* or *withhold*, or to *limit* and *increaſe the ſame*, according to circumſtances connected with the trouble and riſk of the parties, *whether there is a conviction, or not*, a fairer meaſure of recompence would be dealt out; the public money would be more beneficially diſtributed, ſo as to excite general activity in checking every ſpecies of criminality; and the objections, now urged againſt officers and proſecutors as intereſted witneſſes, would, by this arrangement, be compleatly obviated.

For the purpoſe of elucidating theſe ſuggeſtions, it may be uſeful to examine the different offences, which conſtitute the aggregate of the charges made againſt criminals arraigned at the Old Bailey, in the courſe of a year.

With this view the following ſtatement is offered to the conſideration of the reader. It refers to a period of profound peace (as moſt likely to exhibit a true average) and contains a regiſter of the trials, publiſhed by authority, including eight ſeſſions from September 1790 to 1791. From this it appears that 1088 priſoners were tried for different offences in that year, and that 711 were *diſcharged!* and yet, ſtriking as this may appear, it may be aſſerted on good grounds, that the following melancholy catalogue (extenſive as it ſeems to be) does not contain an account of above *one tenth part* of the offences which were actually committed!

		£
6	For Treaſons in making falſe money	
	A reward in money on conviction, amounting for each to	40
81	Highway Robberies	
	A reward (beſides the Highwayman's property) for each	40
41	Burglaries	
	A reward 40l. beſides a Tyburn ticket worth 20l.	60
10	Houſebreaking in the day time	
	A reward 40l. beſides a Tyburn ticket worth 20l.	70

138 Carried over

138	Brought over	
23	Stealing goods to the value of 5l. from a shop &c.	
	A Tyburn ticket value as above, average	20
3	Coining Copper Money	
	A reward in money	10
17	Horſe ſtealing	
	A reward in a Tyburn ticket, average value	20
10	Stealing Cattle and Sheep	
	A reward in money	10
2	Returning from Tranſportation	
	A reward in money	20

193 Priſoners tried for offences entitling the apprehenders to rewards on conviction; and 895 alſo tried for which no rewards or gratuities are allowed to officers for their trouble and riſk in apprehending, &c.

10	for Murders	972	Brought forward
4	Arſon	22	Receiving Stolen Goods
10	Forgeries	7	Bigamy
9	Dealing in and uttering baſe Money	6	Perjuries
1	Sodomy	6	Conſpiracies
2	Piracies	3	Fraudulent Bankrupts
4	Rapes	15	Frauds
642*	Grand Larcenies	9	Miſdemeanors
32	Stealing privately from perſons	1	Aſſaulting and cutting Clothes
13	Shop-lifting under 5s.	1	Smuggling
16	Ripping and ſtealing Lead	7	Obſtructing Revenue Officers
12	Stealing Pewter Pots	1	Wounding a Horſe maliciouſly
22	Stealing from furniſhed Lodgings	38	Aſſaults.
1	Stealing Letters		
1	Stealing a Child		
972	Carried forward	1088	Total.
		445	Priſoners from the late Sheriff's
	Aggregate number	1533	

Diſpoſed of as follows, viz.

Executed	32
Died	25
Sent to the Hulks	2
Tranſported	517
Removed to other Priſons	95
Tranſferred to the new Sheriffs	151
Diſcharged upon the town	711
	1533

* Grand Larceny is defined to be a felonious and fraudulent taking away by any perſon, of the mere perſonal goods of another, above the value of *twelve pence*.—1 *Hawk. P. C.* 232. § 1.

Thus it appears that many very atrocious crimes are committed, where officers of juſtice are not entitled to any reward for their trouble in apprehending the offenders.

Receivers of ſtolen Goods in particular, who, as has been repeatedly ſtated, are *the nouriſhers and ſupporters of thieves*, and who of all other offenders are that claſs where the greateſt benefit to the public is to ariſe from their diſcovery and apprehenſion, ſeem to be totally overlooked.

If it ſhould be thought too looſe a ſyſtem to allow rewards *not exceeding a certain ſum in any one caſe*, to be diſtributed according to the diſcretion of the Judges who try the offence; perhaps it might be poſſible *to form a ſcale of premiums* from *one guinea up to fifty pounds*, which, by holding out certain encouragements *in all caſes whatſoever*, might not only excite a deſire on the part of men of ſome property and reſpectability to become officers of juſtice; but would create that ſpecies of *conſtant vigilance and attention* to the means of apprehending every claſs of offenders, which cannot be expected at preſent, while the rewards are ſo limited.

The *Officers of Juſtice*, (parochial and ſtipendiary) who are appointed to watch over the Police of the metropolis and its environs, in keeping the peace, and in detecting and apprehending offenders, amount at preſent (as near as poſſible) to 1000 individuals, under five ſeparate juriſdictions, *and are arranged as follows:*

	Officers, &c.			
London, 1ſt.	The City of London in 25 Wards, excluſive of Bridge Without.	City Marſhals		2
		Marſhals' Men		6
		Beadles		36
	Parochial Conſtables	Principals	98	
		Subſtitutes	145	
				243
		Extra Officers		32
				319
	Parochial Officers carried over			319

		Brought over	319
Weſtminſter, 2*d*.	The City and Liberty of Weſtminſter, 9 pariſhes and 2 precincts	High Conſtable	1
		Parochial Conſtables	70
			71
Middleſex, 3*d*.	The Diviſion of Holborn, in Middleſex, joining the metropolis, in 13 pariſhes, liberties, and manors	High Conſtable	1
		Parochial Conſtables & Headboroughs	78
			79
	The Diviſion of Finſbury in Middleſex, joining the metropolis, 4 pariſhes and 1 liberty	High Conſtable	1
		Parochial Conſtables & Headboroughs	68
			69
	The Diviſion called the Tower Hamlets, including the eaſtern part of the metropolis, and comprehending 10 pariſhes, 4 hamlets, 1 liberty, and 2 precincts	High Conſtables	1
		Parochial Conſtables & Headboroughs	217
			218
Tower Liberty, 4*th*.	The liberty of the Tower of London, being a ſeparate juriſdiction	High Conſtable	1
		Conſtables & Headboroughs	16
			17
	The Diviſion of Kenſington, Chelſea, &c. comprehending 2 pariſhes and 3 hamlets	High Conſtable	1
		Parochial Conſtables & Headboroughs	21
			22
Surry, 5*th*.	The Borough of Southwark, &c. comprehending 9 pariſhes.	High Conſtable	1
		Conſtables	87
			88
	Total Parochial Officers carried over		883

To which are to be added the ſtated Officers of Police, eſpecially appointed for the purpoſe of preventing crimes, and of detecting and apprehending offenders.

	Brought over	883
1. The eſtabliſhment at Bow-Street, under the direction of the three Magiſtrates preſiding at that Office, viz. Conſtables	8	
and (under the direction of W. ADDINGTON, Eſq.) Patroles for the roads	67	
	—	75
2. The eſtabliſhment of ſeven Public Offices, by the Act of the 32d of his preſent Majeſty, cap. 53. under the direction of three Magiſtrates at each Office, viz.		
Conſtables at the Public Office, Queen-Square	6	
——————————Marlborough Street	6	
——————————Hatton Garden	6	
——————————Worſhip Street	6	
——————————Whitechapel	6	
——————————Shadwell	6	
——————————Union Hall, Southwark	6	
	—	42
Total Civil force in the Metropolis		1000

Of theſe thouſand Officers the reader will obſerve, that only *fifty* (excluſive of the thirty-two extra officers in the City of London: and the ſixty-ſeven patroles at Bow-ſtreet; making in the whole, no more than 149,) *are ſtipendiary Officers*, particularly pledged to devote their whole time to the ſervice of the public: and hence a queſtion ariſes, Whether ſo ſmall a number are ſufficient for the purpoſe of watching and detecting the hordes of villains who infeſt the metropolis, and who muſt be conſiderably increaſed on the return of peace?

Little aſſiſtance can be expected from parochial officers; who, depending on their daily labour principally for their ſupport, can afford to devote no more time, than is abſolutely neceſſary for the uſual parochial duties during the twelve months they are in office: and more eſpecially ſince Magiſtrates have no power, or funds, to remunerate ſuch parochial officers for extraordinary exertions in the public ſervice, however meritorious they may be: Hence it is,

that their zeal and activity are checked in many inſtances, when a ſmall pecuniary gratuity might render them extremely uſeful. Theſe facts, and the view now given of this particular branch of the ſubject, it is earneſtly to be hoped, therefore, may produce an arrangement of more *energy* and *effect* than exiſts under the preſent ſyſtem.

Officers of juſtice, who are ſubjected not only to conſiderable riſks, but alſo to want of reſt, and to the inconvenience of being expoſed much in the night-time, ought certainly to be liberally paid; ſo as to make it an object to *good* and *able men* even to look up to ſuch ſituations: but this emolument ſhould, by no means, depend upon a ſettled annual allowance; it ſhould principally ariſe from *premiums* and *gratuities*, granted by the Judges and Magiſtrates, for meritorious ſervices to the public, *actually performed*; for which there are ſo many opportunities, that no fit man, acting as a conſtable, under ſuch a ſyſtem, and doing his duty conſcientiouſly, need be under any apprehenſion of obtaining a very comfortable livelihood.

The invariable rule of rewarding, in every caſe where it can be made appear that any uſeful public ſervice has been performed, would have a moſt wonderful effect in preventing crimes: The expence, if judiciouſly and œconomically managed, need not exceed, in any material degree, *the preſent aggregate* of what is diſburſed in different ways, in all the branches of the Police and criminal eſtabliſhment; it might, in fact, be defrayed, as well as every other charge, *by the Police itſelf*, from the produce of the *licenſes* propoſed to be granted for regulating particular claſſes of dealers; by whoſe aid and aſſiſtance, in ſupporting thieves and pilferers, ſuch a ſyſtem is rendered neceſſary.

Nor ſhould the rewards be wholly confined to officers of juſtice, either *parochial* or *ſtipendiary*.—The public good requires that they ſhould extend alſo to

watchmen and patroles, who ſhould have every reaſonable encouragement held out to them to be honeſt and vigilant, by ſmall premiums paid down immediately, for every ſervice they may render the public; either in detecting or apprehending perſons who are guilty of felonies, or other offences againſt the public peace.

At preſent, the watchmen deſtined to guard the lives and properties of the inhabitants reſiding in near *eight thouſand* ſtreets, lanes, courts, and alleys, and about 162,000 houſes, compoſing the whole of the metropolis and its environs, are under the direction of no leſs than above ſeventy different truſts; regulated by perhaps double the number of local acts of parliament, (varying in many particulars from one another,) under which the *directors*, *guardians governors*, *truſtees*, or *veſtries*, according to the title they aſſume, are authorized to act, each attending only to their own particular *Ward*, *Pariſh*, *Hamlet*, *Liberty*, or *Precinct*; and varying the payment according to local circumſtances, and the opulence of the particular diſtrict, from 8 1-2d. up to 2s. each night.*

The encouragement being, in many inſtances ſo ſmall, few candidates appear for ſuch ſituations, who are really, in point of character and age, fit for the ſituation; the managers have therefore no alternative but to accept of ſuch aged, and often ſuperannuated men, living in their reſpective diſtricts, as may offer their ſervices: this they are frequently induced to do

* There is, in ſome reſpect, an exception to this rule, with regard *to the City and Liberty of Weſtminſter*, and the pariſhes of *St. Clements Danes.—St. Mary le Strand,—The Savoy,*—The united Pariſhes of *St. Giles* and *St. George Bloomſbury.* —The united pariſhes of *St. Andrew, Holborn, above the Bars*, and *St. George the Martyr*, and the Liberty of *Saffron Hill, Hatton Garden*, and *Ely Rents.*—The act of the 14th George III. c. 90, contains regulations applicable to the whole of theſe Pariſhes and Liberties, fixing the *minimum* of watchmen at 323, and patroles at 56 men, for the *whole*; but leaving the management ſtill to the inhabitants of each reſpective Pariſh or Liberty. The ſame act fixes the *minimum* of wages at 1s. a night, and patroles 15d. In the City of London, the ſalaries given to watchmen vary in each Ward, from 13l. to 18l. 19. 20l. 21. 7s. 23l. 8s. up to 26l. and patroles are allowed from 13l. to 35. and 40l. a year.

from motives of humanity, to aſſiſt old inhabitants who are unable to labour at any mechanical employment, or perhaps with a view to keep them out of the workhouſe.

Thus circumſtanced, and thus encouraged, what can be expected from ſuch watchmen?

Aged in general;—often feeble:—and almoſt, on every occaſion, half ſtarved, from the limited allowance they receive; without any claim upon the public, or the leaſt hope of reward held out, even if they performed any meritorious ſervice, by the *detection of thieves and receivers of ſtolen Goods*, or idle and diſorderly perſons: and above all, *making ſo many ſeparate parts of an immenſe ſyſtem without any general ſuperintendance, diſjointed from the nature of its organization*, it is only a matter of wonder that the protection afforded is what *it really is*.*—Not only is there ſmall encouragement offered for the purpoſe of inſuring fidelity, but innumerable temptations are held out to diſhoneſty, by Receivers of ſtolen goods, to the watchmen and patroles in their vicinity; as well as by thieves and houſebreakers in all ſituations where they contemplate the commiſſion of a burglary.†

Money is alſo received from diſorderly perſons in the night, to permit them to eſcape from the juſt puniſhment of the laws; while on the other hand unfortunate females are laid under contribution, for permiſſion to infringe the very laws, which it is the duty of theſe nocturnal guardians of the Police to put in execution.

Excepting in the city of London, under the juriſdiction of the Lord Mayor and Aldermen, (where

* This proves how highly meritorious the conduct of the *Managers* and *Truſtees* of this branch of the Police of the Metropolis, muſt, in many inſtances, be. There can indeed be no manner of doubt, but that great advantages ariſe from dividing the labour, where all the benefits of local knowledge enter into the ſyſtem. So far as this goes, it ought not to be diſturbed. But it is alſo neceſſary to conſider the Metropolis as a *great Whole*, and to combine the organs of Police which at preſent exiſt, in ſuch a manner, by a *general Superintendance*, as to give equal encouragement, and to inſtil one principle of univerſal energy into all its parts.

† Vide pages 77, 78, and 146.

there are, in the 25 wards, 765 watchmen, and 38 patroles) and the parifhes and liberties combined, by the act of the 14th George III. cap. 90, it will not be eafy to afcertain the exact number of watchmen, &c. employed, by the great variety of different trufts, in every part of the metropolis: more efpecially as they are in fome inftances *ambulatory:* but the following ftatement is believed to be very near the truth.——

		Beadles, Watchmen, and Patroles.
25	Wards in the City of London - -	803
11	Parifhes, &c. in the City and Liberty of Weftminfter - - -	302
13	Parifhes, &c. in the Divifion of Holborn -	377
5	Parifhes, &c. in that part of the Divifion of Finfbury which joins the metropolis -	135
17	Parifhes, &c. in the Divifion of the Tower Hamlets - - - -	268
1	Liberty of the Tower of London -	14
5	Parifhes and Hamlets, being part of the Divifion of Kenfington, near the metropolis - -	66
9	Parifhes in the Borough of Southwark - -	79
	Total Watchmen and Patroles	*2044

Nothing can certainly be better calculated for *complete protection* than *the fyftem of a well-regulated ftationary watch*; and from the number of perfons already employed, independent of private watchmen, it would feem only to be neceffary to lay down appofite legiflative rules, with refpect to *age or ability, cha-*

* Watch-houfes (excepting within the limits of the City) are placed at convenient diftances all over the Metropolis; where a parochial conftable attends, in rotation, every night, to receive diforderly and criminal perfons, and to carry them before a Magiftrate next morning. In each watch-houfe alfo (in cafe of fire) the names of the turn-cocks, and the places where engines are kept, are to be found. This circumftance is mentioned for the information of ftrangers unacquainted with the Police of the Metropolis; to whom it is recommended, in cafe of fire, or any accident or difturbance requiring the aflifiance of the civil power, to apply immediately to the officer of the night, at the neareft watch-houfe, or to the watchmen on the beat.

racter, *wages*, *rewards for uſeful ſervices*, and *general ſuperintendance* ; and perhaps to add a few horſe patroles, in order to eſtabliſh that ſpecies of additional ſecurity, which would operate as a more effectual means of preventing crimes.

Let the ſame ſyſtem of moderate rewards alſo be extended to beadles,* for uſeful public ſervice *actually performed*, as is propoſed with regard to officers of juſtice, watchmen, and patroles; and much good will ariſe to the community, without any great additional expence.

It is in vain to expect that the public can be well ſerved, unleſs the emolument becomes an object to good and able men; but theſe extraordinary rewards (as has been already obſerved) ſhould always depend upon the vigilance and exertion of the parties themſelves, in detecting offenders of every deſcription; and ſhould be paid, on its appearing to the Magiſtrate that no *impropriety* or *indiſcretion* has marked their conduct. If, on the contrary, they ſhould appear to have acted oppreſſively or improperly, a power of immediate diſmiſſion and puniſhment ſhould, in all inſtances, be lodged in Juſtices of the Peace, to be exerciſed according to the nature of the offence.

Having thus ſtated the civil force of the Metropolis, in peace-officers, watchmen and patroles, making an aggregate of 3044 men—we ſhall next proceed to give ſuch information relative to the Magiſtracy, as may tend to illuſtrate what remains to be further ſuggeſted on the ſubject of improving the Police; for the preſervation of the public peace; and the *detection* and *apprehenſion* of every claſs of offenders.

There exiſt at preſent no leſs than *five* ſeparate juriſdictions within the limits of the Metropolis,—namely—

* Beadles, are, in many inſtances, employed at preſent as local ſuperintendants of the watch, within their reſpective pariſhes.

Magiſtrates.

1. The City of London, where there are including the Lord Mayor, 26 Aldermen, who have an excluſive juriſdiction, within the ancient limits 26
2. The City and Liberty of Weſtminſter—where there are upwards of 100 Juſtices of the Peace, who have juriſdiction only in that particular Diſtrict; but where the Magiſtrates of the county of Middleſex have an equal juriſdiction.—The number reſident, of thoſe who are not Magiſtrates of Middleſex, is ſuppoſed to be about 50
3. That part of the Metropolis which is ſituated in the county of Middleſex, (where there are above 700 Juſtices, including the princes of the Royal Family —many of the Nobility—Great Officers of State—Members of Parliament—and other Gentlemen of reſpectability;)—of thoſe in the commiſſion about 180 have qualified; and of theſe who have taken out their *Dedimus Poteſtatem*, only about 130 reſide in or near the Metropolis. 130
4. That diſtrict of the Metropolis lying near, or particularly belonging anciently to the Tower of London, comprehending about 750 houſes—where the Magiſtrates (52 in number) have an excluſive juriſdiction, and hold ſeparate ſeſſions of the peace.—The number who are not Magiſtrates of Middleſex, is - - - - 31
5. The Borough of Southwark, and that part of the Metropolis adjoining thereto, within the Bills of Mortality where the City Magiſtrates have juriſdiction, beſides the whole of the Magiſtrates of the county of Surry—namely—122—but of whom not more than 18 reſide in Southwark, and 15 in London, &c. - - - in all 3

Total, 27

But, notwithſtanding the great number of reſ
pectable names which are in the different commi
ſions in and near the Metropolis; and although a
who have qualified have equal juriſdiction with th
Police Juſtices, within their reſpective diſtricts; y
the efficient duty, for the whole of the Metropol
ſo far as it relates to the detection of offenders,

principally limited to two claſſes of Magiſtrates,—namely—

1. The 26 Aldermen of London, whoſe juriſdiction is confined to the ancient limits of the City, comprehending 25 Wards, in which are 21649 houſes on the London ſide, and Bridge Ward without, in the Borough - - - -		26
2. The 24 eſtabliſhed Magiſtrates, three of whom preſide at each of the ſeven Public Offices, appointed by the Act of the 32d of His preſent Majeſty *cap.* 53, viz.		
1. Public Office, Queen-Square, Weſtminſter	3	
2. Public Office, Marlborough Street	3	
3. Public Office, Hatton Garden	3	
4. Public Office, Worſhip-ſtreet, Shoreditch	3	
5. Public Office, Whitechapel	3	
6. Public Office, Shadwell	3	
7. Public Office, Union-Street, Southwark	3	
	21	
And alſo (not included in the Act) at the Public Office, Bow-Street	3	
		24
Total efficient Magiſtrates who ſit in rotation, daily in the Metropolis		50

The juriſdiction of the Magiſtrates preſiding at the ſeven Public Offices, not only extends to Weſtminſter and Middleſex; (and, in moſt inſtances, lately, to the Liberty of the Tower:) but alſo to the counties of Surry, Kent, and Eſſex, from which, conſiderable advantages in the prompt detection and apprehenſion of offenders have accrued to the public: The only difficulty that now remains to be removed, with reſpect to the claſhing of juriſdictions, is that which regards the city of London; where, from its contiguity, and immediate and cloſe connection with every other part of the Metropolis, conſiderable inconveniencies are felt, not only from the circumſtance of the juriſdiction of the City Magiſtrates

not being extended over the whole of the Metropolis, as well as the four adjoining counties: but alſo from the Police Magiſtrates having no authority quickly to follow up informations, by iſſuing warrants to ſearch for property, and to apprehend perſons charged with offences in the City.—The whole difficulty reſolves itſelf into a mere matter of *punctilio*, founded perhaps on ill grounded jealouſy, or miſapprehenſion, which a little explanation would probably remove.

Where the object is to do good;—and where not even the ſhadow of harm can ariſe, no limits ſhould be ſet to local juriſdictions; eſpecially where privileges are propoſed to be given; (as in this caſe, to the city of London;)—and where none are to be taken away.

For the purpoſe of eſtabliſhing a complete and well-connected ſyſtem of *detection*, ſome means ought certainly to be adopted, more cloſely to unite the City and Police Magiſtrates; that they may, in a greater degree, go hand in hand in all matters regarding the general intereſt of the Metropolis and its environs; making the ſuppreſſion of crimes one common cauſe, and permitting no punctilio, regarding juriſdiction, to prevent the operation of their united energy in the prompt detection of offenders; This, from the extended ſtate of commerce and ſociety, and the great increaſe of property, is now rendered a meaſure in which the inhabitants of the whole Metropolis, as well as the adjacent villages, have a common intereſt; the evil, which affects all ranks, calls aloud for the ſpeedy adoption of ſome effectual remedy.

CHAP. X.

The prevailing practice explained, when offenders are brought before Magiſtrates.—The neceſſary caution, as well as the duty of Magiſtrates in ſuch caſes explained, —Profeſſed thieves ſeldom intimidated when put upon their trial, from the many chances they have of eſcaping. —Theſe chances ſhortly detailed.—Reflections on the falſe humanity exerciſed by proſecutors towards priſoners.—Their rudeneſs and cruelty when engaged in acts of criminality.—The delays and expences of proſecutions a great diſcouragement, inducing ſufferers to put up with their loſs, in ſilence.—How the inconvenience may be remedied.—An account of the different Courts of Juſtice, appointed for the trial of offences committed in the Metropolis.—Five inferior and two ſuperior Courts.—A ſtatement, ſhewing the number of priſoners convicted and diſcharged during the laſt year.— Reflections on this ſad catalogue of depravity.—A radical defect ſomewhere.—The great purity of the Judges of England.—The propriety of a co-operation with them, in whatever ſhall tend to promote the ends of Public Juſtice.—This object to be attained, in the greateſt poſſible degree, by means of an authoriſed public proſecutor.—The advantages of ſuch an inſtitution, in remedying many abuſes which prevail in the trial of offenders.—From 2500 to 3000 perſons committed for trial, by Magiſtrates, in the Metropolis, in the courſe of a Year.—The chief part afterwards returned upon ſociety.

ARRIVING at that *point* in the progreſs of this Work, where perſons, accuſed of offences, are detected and brought before Magiſtrates for examina-

tion, ultimately to be committed for trial, if the evidence ſhall be ſufficient:—It is proper to explain the prevailing practice under ſuch circumſtances.

The taſk, in this caſe, impoſed upon the Magiſtrate, is arduous and important; requiring, not only great purity of conduct, a profound knowledge of mankind, and of the common affairs of life; but in a more peculiar manner thoſe powers of diſcrimination which may enable him to diſcover how far criminality attaches to the party accuſed; and whether there are grounds ſufficient to abridge for a time, or ultimately to deprive the priſoner of his liberty, until a Jury of his country ſhall decide upon his fate.

It frequently happens, that perſons accuſed of crimes are apprehended, under circumſtances where no doubt can reſt on the mind of the Magiſtrate as to the guilt of the priſoner; but where the legal evidence is nevertheleſs inſufficient to authorize an immediate commitment for trial.

In theſe inſtances, (while he commits *pro tempore*,) he is called upon in a particular manner to exert the whole powers of his mind, by adopting ſuch judicious meaſures as ſhall be the means of detecting the offenders; by diſcovering the goods or property ſtolen, or by admitting ſuch evidence for the Crown as may, with other corroborating teſtimony, prevent the ends of juſtice from being defeated.

Where a Magiſtrate proceeds with indefatigable zeal and attention, and at the ſame time exerciſes good judgment, he will ſeldom fail of ſucceſs; for in this caſe a ſimilar ſpirit will animate the officers under his controul, whoſe activity and induſtry are generally in proportion to that manifeſted by their ſuperiors.

Much as every active Magiſtrate muſt regret that deficiency of pecuniary reſource, which, under the preſent ſyſtem, prevents him from rewarding thoſe who muſt occaſionally be employed to detect notorious offenders, this circumſtance ought not to abate

his zeal in any reſpect; ſince by perſeverance it generally happens at length, that every good and proper arrangement for the immediate advantage of the public, may be ultimately obtained.

The Magiſtrate having done his duty by committing an offender for trial, ſatisfied of his guilt and the ſufficiency of the evidence to convict him; and having alſo bound over the proſecutor and the witneſſes as the law directs, to attend the grand jury, and (if a bill be found) to proſecute and give evidence upon the indictment; it might appear to the common obſerver, that the culprit's caſe becomes hopeleſs and forlorn.

This, however, is by no means a ſtage in the progreſs that intimidates a profeſſed thief; he feels and knows that, although guilty of the crime laid to his charge, he has many chances of eſcaping; and theſe chances unqueſtionably operate as encouragements to the commiſſion of crimes.

His firſt hope is that he ſhall intimidate the proſecutor, and witneſſes by the threatenings of the gang with whom he is connected; — his next that he may compound the matter; or bribe or frighten material witneſſes, ſo as to keep back evidence; or induce them to ſpeak doubtfully at the trial, though poſitive evidence was given before the Magiſtrate; or, if all ſhould fail, recourſe is had to perjury, by bringing the receiver, or ſome other aſſociate, to ſwear an alibi.

Various other conſiderations alſo operate in ſtrengthening the hopes of acquittal; partly ariſing from the vaſt numbers who are diſcharged or acquitted* at every ſeſſion of gaol-delivery; and partly from the careleſſneſs and inattention of proſecutors, who are either unable or unwilling to ſuſtain the expence of counſel to oppoſe the arguments and objections which will be offered in behalf of the priſoner:

* Vide Chap. V. pages 70—71.

or are foured by loſs of valuable time, experienced, perhaps, in former proſecutions;*—or ultimately from a dread entertained by timid perſons who fooliſhly and weakly, conſider themſelves as taking away the life of a fellow creature; merely becauſe they proſecute or give evidence, not reflecting that it is the *law* only that can puniſh offenders, and *not* the individual proſecutor or witneſſes.

Falſe humanity, exerciſed in this manner, is always cruelty to the public, and not ſeldom to the priſoners themſelves.—All depredations upon property are *public wrongs*, in the ſuppreſſion and puniſhment of which it is the duty of every good man to lend his aſſiſtance; a duty more particularly incumbent upon thoſe who are the immediate ſufferers: Through their means only can public juſtice operate in puniſhing thoſe miſcreants, by whom the innocent are *put in fear, alarmed and threatened with horrid implications—with loſs of life by means of loaded piſtols*; or bodily injury, from being hacked with cutlaſſes, or beaten with bludgeons—under circumſtances where neither age nor ſex is ſpared.—

Yet experience has ſhewn that theſe arguments, powerful as they are, are inſufficient to awaken in the mind of men that ſpecies of public ſpirit which ſhall induce ſufferers in general, by robberies of different kinds, to become willing proſecutors, under the various trying delays of Courts of Juſtice: and frequent-

* It is true that by the Acts of the 25th Geo. II. cap. 36; and 18th Geo. III. cap. 13, the expences of the proſecutors and witneſſes are to be paid; and alſo (if the parties ſhall appear to be in poor circumſtances) a reaſonable allowance made for trouble and loſs of time; but this is connected with the regulations of the Juſtices, confirmed by one of the Judges of Aſſize, which vary according to local circumſtances, and it is alſo neceſſary to plead poverty, in order to be remunerated for loſs of time: *but as the poor ſeldom ſuffer by thieves*, theſe Acts appear to have had little effect in encouraging proſecutors to come forward;—and it is believed, few applications are made excepting in caſes of real poverty. In the County of Middleſex there is an exception, where witneſſes are directed to be paid by the Overſeers of the Poor of the Pariſh, where the perſon was apprehended; but this mode of payment is ſeldom if ever adopted. The fund, however, which the legiſlature has thus provided, if economically and judiciouſly applied by a public proſecutor, would remove many difficulties, without any material addition to the county rate.

ly with the expence of bringing a number of witneſſes from the country, who are kept in attendance on the Court, perhaps, for ſeveral days together.

Such a burden impoſed upon the ſubject, in addition to the loſſes already ſuſtained, in a caſe too where the offence is of a public nature, is certainly not eaſily reconcileable with that ſpirit of juſtice, and attention to the rights of individuals, which forms ſo ſtrong a feature in the juriſprudence of the country.

From all theſe circumſtances it happens that innumerable felonies are concealed, and the loſs is ſuffered in ſilence as the leaſt of two evils; by which means thieves are allowed to reign with impunity, undiſturbed, and encouraged to perſevere in their evil practices.

Nothing, it is to be feared, can cure this evil, and eſtabliſh a general ſyſtem of protection, but a vigorous Police; ſtrengthened and improved by the appointment of deputy-Proſecutors for the Crown acting under the Attorney-General for the time being. —An eſtabliſhment of this ſort, even at a very ſmall ſalary, would be conſidered as an honourable *entré* to many young Counſel; who, in protecting the public againſt the frauds, tricks, and devices of old and profeſſed thieves by which at preſent they eſcape juſtice, might keep the ſtream of juſtice pure, and yet allow no advantage to be taken againſt the priſoner.

As it muſt be admitted on all hands, that it is the intereſt of the public that no guilty offender ſhould eſcape puniſhment;—it ſeems to be a poſition equally clear and incontrovertible, that wherever, from a defect in the ſyſtem of proſecutions, or any other cauſe, a priſoner eſcapes the puniſhment due to his crimes, ſubſtantial juſtice is wounded, and public wrongs are increaſed.

It has been already ſtated in the preceding Chapter, that there are five ſeparate juriſdictions in the Metropolis, where Magiſtrates exerciſe limited au-

thority.—Of courſe, there are five inferior Courts of Juſtice, where leſſer offences, committed in London and its vicinity, are tried by Juſtices of the Peace.

1. The General and Quarter Seſſions of the Peace; held eight times a year, by the Lord Mayor and Aldermen, at Guildhall—*for the trial of ſmall Offences committed in London.*
2. The Quarter Seſſions of the Peace held four times a year, at Guildhall, Weſtminſter, by the Juſtices acting for that City and Liberty—*for the trial of ſmall Offences committed in Weſtminſter only.*
3. The General and Quarter Seſſions of the Peace held eight times a year, at the New Seſſions Houſe on Clerkenwell-Green, (commonly called Hick's-Hall) by the Juſtices only of the County of Middleſex—*for the trial of ſmall Offences committed in Middleſex and Weſtminſter.*
4. The General Quarter Seſſions of the Peace held, in the Seſſions-Houſe in Well-Cloſe-Square, by the Juſtices for the Liberty of the Tower of London—*for the trial of ſmall Offences committed within the Royalty.*
5. The Quarter Seſſions of the Peace held, by the Juſtices for the County of Surry, at the New Seſſions-Houſe at Newington, Surry, in January;—At Reigate, in April;—At Guildford, in July;—and Kingſton-upon-Thames, in October; each year:—*where ſmall Offences committed in Southwark and the neighbourhood are tried.*

Theſe five inferior Courts of Juſtice take cognizance of *Petty Larcenies, Frauds, Aſſaults, Miſdemeanors, and other Offences puniſhable by fine, impriſonment, whipping and the pillory:* and in certain caſes, the power of the Juſtices extends to *tranſportation.*

The higher and more atrocious offences committed in London and Middleſex, are tried at the Juſtice-Hall, in the Old Bailey; by a ſpecial commiſſion of Oyer and Terminer to the Lord Mayor, and a certain number of the Judges, with the Recorder and Common Serjeant of the City of London.

Offences of this latter degree of atrocity, perpetrated in that part of the Metropolis which is ſituated in the Borough of Southwark and County of Surry,

are tried at the Aſſizes, held twice a year at *Kingſton-upon-Thames*, *Croydon*, or *Guildford*.*

Thus it appears, that five inferior, and two ſuperior Tribunals of Juſtice are eſtabliſhed for trying the different crimes committed in the Metropolis.

As it may be uſeful, for the purpoſe of elucidating the ſuggeſtions already offered upon this branch of the ſubject, that a connected view of the reſult of theſe *Trials* ſhould make a part of this Work;—the following Abſtract, (including the diſcharges of Priſoners by Magiſtrates) has been made up for this immediate purpoſe: from authentic documents obtained from the keepers of the eight different priſons and houſes of correction in the city of London, and in the counties of Middleſex and Surry.

It applies to the period, from September, 1794, till September, 1795.

It is impoſſible to contemplate this collected aggregate of the priſoners annually diſcharged upon the public, without feeling a ſtrong anxiety to remedy an evil rendered extremely alarming, from the number which compoſes this diſmal catalogue of human depravity.

Every enquiry in the progreſs of this Work proves a radical defect ſomewhere.

While the public tribunals are filled with Judges, the purity of whoſe conduct adds luſtre to their own and the national character, why ſhould not every ſubordinate part of the criminal juriſprudence of the country be ſo organized, as to co-operate, in the greateſt poſſible degree, with the efforts of thoſe

* Conſiderable inconvenience ariſes (and indeed great hardſhips, where priſoners are innocent) from the length of time which muſt elapſe, where offences have been committed in Southwark, before they can be brought to trial; either for inferior or more atrocious crimes. In the former caſe, priſoners muſt remain till the Quarter Seſſions (there being no intermediate General Seſſions of the Peace) and in the latter caſe, till the Aſſizes, held only twice a year; This occaſions a confinement, previous to trial, lengthened out, in ſome inſtances, to three, four, five, and even nearly to ſix months.

higher orders of the Magiſtracy in accompliſhing the purpoſes of ſubſtantial juſtice?

Nothing could, in a greater degree, promote this object, than the appointment of a public Proſecutor for the Crown: already hinted at; *ante p.* 175.

An inſtitution of this kind would terrify the hordes of miſcreants now at open war with the peaceable and uſeful part of the community, in a greater degree than any one meaſure that could poſſibly be adopted.

It would be the means of deſtroying thoſe hopes and chances which encourage criminal people to perſevere in their depredations upon the public.

It would not only remove that averſion which proſecutors manifeſt on many occaſions, to come forward, for the purpoſe of promoting the ends of public juſtice; but it would prevent, in a great meaſure, the poſſibility of compounding for felonies, or of ſuborning witneſſes.*

It would alſo be the means of counteracting the various tricks and devices of old thieves; and occaſion an equal meaſure of Juſtice to be dealt out to them as to the novices in crimes:—It would do more,—It would protect real innocence;—for in ſuch caſes the public proſecutor would never fail to act as the friend of the priſoner.

Our Laws, in the true ſpirit of mildneſs and humanity, require that the Judge ſhould act in ſome de-

* Notwithſtanding the ſeverity of the law, the compoſition for felonies and miſdemeanors is carried to a much greater height than it is almoſt poſſible to believe; and various devices are reſorted to, to elude the penalties. An inſtance occurred in Auguſt 1792: where a Jew was ordered to take his trial for a rape, committed on a married woman. The offence appeared, on examination, to be extremely aggravated. The Grand Jury however did not find a bill; which was thought a very ſingular circumſtance, as the proof had been ſo clear before the Magiſtrate. The reaſons were afterwards ſufficiently explained; which ſhew, what corrupt practices, artifices, and frauds will be uſed to defeat the ends of juſtice:—in conſequence of a previous underſtanding between the Jew and the huſband of the woman who had been ſo groſsly abuſed, a ſum of £20. was left in the hands of a publican, which the proſecutor was to receive if the bill was not found. In this confidence the woman gave a different evidence from that which ſhe had given before the Magiſtrate. The Jew however cheated both the huſband and the wife; for he no ſooner diſcovered that he was ſafe, than he demanded the money of the publican, and laughed at the proſecutor.

A Summary the Metropolis, in *One*

	Names of Prisons.	Died	Discharged after being fined	Discharged, after suffering imprisonment	Apprentices discharged	Offenders bailed out of prison	Discharged by Pardon	Total discharged.
		Discharged by the Magistrates at Gaols, in One Year.						
London.	Newgate	7	11	20			129	578
	Poultry Compter					27		226
	Giltspur Compter		45	11		114		477
	Bridewell Hospital	4		249	38			287
Middlesex.	New Prison, Clerkenwell	5		9		127		587
	House of Correction in Cold Bath Fields	4		353	111			1323
	TothilFields Bridewell	2		27		154		715
Surry.	New Gaol, Southwark			28				269
		22	56	697	149	422	129	4462

N. B. Although the Author has been at infinite pains to render this Summary as exact as possible, yet from the different modes adopted in keeping the accounts of Prisons, he is not thoroughly satisfied in his own mind that the view he has here given is accurate to a point.—He is however convinced that it will be found sufficiently so for the purpose.

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A Summary View of the Prisoners *committed, tried, punished, disposed of*, and *discharged* in the Metropolis, in *One Year*, ending in October, 1795.

	Names of Prisons.	*Number of Prisoners, punished and disposed of.*													*Number of Prisoners discharged by the Magistrates and from the Eight Gaols, in One Year.*								
		Died	Capitally convicted	Sentenced to Transportation	Imprisoned in Newgate	Imprisoned in Bridewel Hospital	Imprisoned in the House of Correction of Middlesex.	Imprisoned in Tothill-Fields-Bridewell.	Imprisoned in Surry gaol	Sent to the Philanthropic and Marine Society	Sent to serve His Majesty in the Navy and Army	Passed to Parishes	Sent to Hospitals	Total	Discharged by Magistrates for want of proof	Discharged by Proclamation and Gaol delivery	Discharged by Acquittals	Discharged after being whipt	Discharged after being fined	Discharged, after suffering imprisonment	Apprentices discharged	Offenders bailed out of prison	Discharged by Pardon	Total discharged.
London.	Newgate	7	51	153	85		54		20		39			409		134	272	12	11	20			129	578
	Poultry Compter					334				10	44	72		460	199							27		226
	Giltspur Compter					249					75	125	44	493	287	10	10		45	11		114		477
	Bridewell Hospital	4										835	44	883						249	38			287
Middlesex.	New Prison, Clerkenwell	5		3							58			66	237	170	35	9		9		127		587
	House of Correction in Cold Bath Fields	4										128		132	568	231	60			353	111			1323
	TothilFields Bridewell-	2		7				37				122	26	194	253	274	6	1		27		154		715
Surry.	New Gaol, Southwark		10	11					16				1	38	130	74	35	2		28				269
		22	61	174	85	583	54	37	36	10	216	1282	115	2675	1674	893	419	24	56	697	149	422	129	44462
			19 executed 166 transport.																					

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gree as counsel for the prisoner.—Without a prosecutor for the Crown, therefore, every trifling inaccuracy in the indictment is allowed to become a fatal obstacle to conviction ;* circumstances which would frequently throw great light upon the charges, are not brought under the review of the jury, and thus public justice is defeated.

Upon an average, the Magistrates of the metropolis commit annually from about 2500 to 3000 persons, male and female, for trial, at the seven different Courts of Justice in and near the metropolis; charged with a variety of felonies, misdemeanors, and other petty offences: But after fully convincing their own minds, from a careful, and in many instances, a most laborious investigation, that the parties are guilty, they are obliged, from experience, to prepare themselves for the mortification of seeing their labour and exertions in a great measure lost to the community. The major part of these criminals being returned upon society, without any effectual steps adopted for their reformation, or any means used for the prevention of a repetition of their crimes. A considerable proportion of this wretched number may have suffered perhaps a slight punishment for their demerits; but which produces no effect that is not ultimately mischievous to the community; since it serves merely to initiate them, in a greater degree, in the knowledge and means of committing new acts of fraud and villainy.

* In criminal cases, a defective indictment is not aided by the verdict of a jury, as defective pleadings are in civil cases. Indeed wherever life is concerned, great strictness has been at all times observed. That able and humane Judge, Sir MATTHEW HALE, complained above a century ago,† "*That this strictness* "*has grown to be a blemish and inconvenience in the law and the administration thereof* "*for that more offenders escape; by the over-easy ear given to exceptions in indict-* "*ments, than by their own innocence: and many times gross murders, burglaries, rob-* "*beries, and other heinous and crying offences remain unpunished, by those unseemly nice-* "*ties; to the reproach of the Law, to the shame of the Government, to the encourage-* "*ment of villainy, and to the dishonour of God.*"‡

† He died 1676.
‡ Hale, P. C. 193.

As the remedy for this laſt evil will fall more properly to be conſidered in the two ſucceeding Chapters on puniſhments :—to theſe therefore (particularly the 12th Chapter) the reader is referred.

CHAP. XI.

Of Crimes and Punishments in general.—The definition of Punishment as understood in modern times.—Laws for the security of life and liberty of the greatest importance to society.—The mode of ascertaining the degrees of Punishment.—The objects to be considered in inflicting Punishments.—Namely, Amendment—Example—and Retribution.—The Punishment of Death has little effect on hardened Offenders.—Examples of convicts exhibited in servile employments would make a greater impression.—In this way, only, can retribution be made to injured individuals, and to the State.—Towards the rendering criminal laws perfect, Prevention ought to be the great object of the Legislature.—General Rules suggested for attaining this object, with illustrations.—The severity of our laws with respect to Punishments not consonant to reason; and injurious to society—not reconcileable to the principles of morality, and a free government—calculated in their operation to debase the human character.—General Reflections on the Punishment authorised by the English Law.—The necessity of enforcing the observance of religious and moral Virtue by lesser Punishments.—General Reflections applicable to public and private Crimes.—The dangers arising from the progress of immorality to the safety of the State.—The disproportion of Punishments, exemplified in the case of an assault, opposed to a larceny.—In seduction and adultery, which is not a criminal offence.—The Laws severe in the extreme in political offences, while they are lax and defective with regard to moral Crimes.—The leading Offences made capital by the laws of England considered, with the Punishment allotted to each; compared with and illustrated

by the cuſtom of other countries, in ſimilar caſes, both ancient and modern: namely, High Treaſon—Petit Treaſon: Felonies againſt life, viz. Murder, Manſlaughter, Miſadventure and Self-defence:—againſt the Body, comprehending Sodomy, Rape, Defilement, Polygamy, and Mayhem,—againſt Goods or Property, comprehending Simple Larceny, Mixt Larceny, and Piracy; and againſt the Habitation, comprehending Arſon and Burglary.—Reflections relative to the ſeverity of the laws, and their imperfections with regard to Puniſhments.—The new Code of the Emperor JOSEPH the Second, *ſhortly detailed.—Concluding Reflections applicable to the ſubject.*

PUNISHMENT, (ſays a learned and reſpectable author) *is an evil which a delinquent ſuffers, unwillingly, by the order of a Judge or Magiſtrate; on account of ſome act done which the law prohibits, or ſomething omitted which the law enjoins.*

Criminal laws and regulations for the ſecurity of of life, liberty, and property, ought certainly to be conſidered as the moſt important concern of Legiſlature.

Monteſquieu, in his *Spirit of Laws*, juſtly and truly obſerves, that the liberty of the citizen depends on the excellence of the criminal laws.

In a country, therefore, where the Conſtitution is founded on the true principles of liberty, too much attention cannot be beſtowed on whatever ſhall tend to carry the criminal code to as great a degree of perfection as human wiſdom is capable of advancing it.

All puniſhments ſhould be proportioned to the nature of the offence committed;—and the Legiſlature in adjuſting Puniſhments with a view to the public good, ought, according to the dictates of ſound reaſon, to act on a compariſon of the Crime under con-

ſideration, with other offences injurious to Society; and thus by comparing one offence with another, it would be almoſt practicable to form ſuch a ſcale, or gradation, of puniſhments as might regulate the ſyſtem, according to the rules of diſtributive juſtice.*

In order to aſcertain in what degree the public is injured or endangered by any crime, it is neceſſary to weigh well and diſpaſſionately the nature of the offence, as it affects the Community—It is through this medium, that Treaſon and Rebellion are diſcovered to be higher and more dangerous offences than breaches of the peace by riotous aſſemblies; as ſuch riotous meetings are in like manner conſidered as more criminal than a private aſſault.

In puniſhing delinquents, two objects ought to be invariably kept in view.——

1. The amendment of the delinquent.
2. The example afforded to others.

To which may be added;

3. Retribution to the party injured.

Wherever the amendment of a delinquent is in view, it is clear that his puniſhment cannot extend to death: If expiating an offence by the loſs of life is to be (as it certainly is at preſent) held out as an example for the purpoſe of preventing crimes, it is evident that the preſent ſyſtem has not had that effect, ſince they are by no means diminiſhed; and ſince even the dread of this puniſhment, has, under preſent circumſtances, ſo little effect upon guilty aſſociates, that it is no uncommon thing for theſe hardened offenders to be engaged in new acts of theft, at the very moment their companions in iniquity are being launched, in their very preſence, into eternity.

The moſt obvious method of affecting the mind of offenders, long enured to the practice of criminal purſuits, is not by the puniſhment of death, which they

* Beccaria, on Crimes and Puniſhments, cap. 6.

are taught to conſider as nothing but a momentary paroxiſm which ends all their diſtreſs at once; nay even as a relief, which many of them, grown deſperate, look upon with a ſpecies of indifference, bordering on a deſire to meet that fate, which puts an end to all the diſtreſſes and anxieties attendant on a life of criminality.

The effect of capital puniſhments, in the manner they are now conducted, therefore, as relates to example, appears to be much leſs than has been generally imagined.

Examples would probably have much greater force, were convicts exhibited day after day to their companions occupied in mean and ſervile employments in penitentiary houſes, or on the highways, canals, mines, or public works.—It is in this way only that there is the leaſt chance of making retribution to the parties whom they have injured; or of reimburſing the State, for the unavoidable expence which their evil purſuits have occaſioned.

Towards accompliſhing the deſirable object of perfection in the criminal code, every wiſe Legiſlature will have it in contemplation rather to prevent than to puniſh crimes: that in the chaſtiſement given, the delinquent may be reſtored to ſociety as an uſeful member.

This purpoſe may poſſibly be beſt effected by the adoption of the following general rules.

1. That the ſtatute Law, ſhould accurately explain the enormity of the offence forbidden; and that its proviſions ſhould be clear and explicit, the reſult of a perfect knowledge of the ſubject; ſo that juſtice may not be defeated in the execution.
2. That the Puniſhments ſhould be proportioned and adapted, as nearly as poſſible, to the different degrees of offences; with a proper attention alſo to the various ſhades of enormity which may attach to certain crimes.
3. That perſons proſecuting, or compelled ſo to do, ſhould not only be indemnified from expence; but alſo that repa-

ration ſhould be made, for loſſes ſuſtained by the injured party, in all caſes where it can be obtained from the labour, or property of the delinquent.

4. That ſatisfaction ſhould be made to the State for the injury done to the Community: by diſturbing the peace, and violating the purity of ſociety.

Political laws which are repugnant to the law of nature and reaſon ought not to be adopted. The objects above-mentioned ſeem to include all that can be neceſſary for the attention of the law-givers.

If an examination of the frame and tendency of our criminal laws, both with reſpect to the principles of reaſon and State policy, could enable the Author to indulge a hope that what he brings under the public eye on this important ſubject, would be of uſe in promoting the good of mankind, he ſhould conſider his labours as very amply rewarded.

The ſeverity of the criminal laws is not only an object of horror, but the diſproportion of the puniſhments, as will be ſhewn in the courſe of this Work, breathes too much the ſpirit of DRACO,* who boaſted *that he puniſhed all crimes with death; becauſe ſmall crimes deſerved it, and he could find no higher puniſhment for the greateſt.*

If we attend to Reaſon, the *Miſtreſs of all Law*, ſhe will convince us that all puniſhments ſhould be in proportion to the crimes that are committed: and that it is both unjuſt and injurious to ſociety to inflict death, except for the higheſt offences, and in caſes where the offender appears to be incorrigible.

While the ruling principle of our government is unqueſtionably, *Liberty*, it is much to be feared that the rigour which the laws indiſcriminately inflict on ſlight as well as more atrocious offences, can be ill reconciled to thoſe juſt diſtinctions of morality, and thoſe notions of juſtice, which are ſuppoſed to characteriſe free States.

* He lived 624 years before the chriſtian æra.

By punifhing fmaller offences with extraordinary feverity, is there not a rifque of inuring men to bafenefs; and of plunging them into the fink of infamy and defpair, from whence they feldom fail to rife capital criminals; often to the deftruction of their fellow-creatures, and always to their own inevitable perdition?

To fuffer the lower orders of the people to be ill educated—to be totally inattentive to thofe wife regulations of State policy which might ferve to guard and improve their morals; and then to punifh them, with a feverity unexampled in the hiftory of the world, either ancient or modern, for crimes which have originated in bad habits, has too much the appearance of creating delinquents for the purpofe of putting them to death.

However difficult it may appear to adapt punifhments to the various difpofitions of offenders while many are dead to fhame, and to the ftigma of infamy; yet there are different degrees of punifhment, fhort of the deprivation of life, (for example, confinement and labour,) which by being rendered objects of terror, may be confidered as the moft effectual.

In regulating the Punifhment of Crimes, two circumftances ought conftantly to be in view—*the immorality of the action*; *and its evil tendency*.

Nothing contributes in a greater degree to deprave the minds of the people, than the little regard which Laws pay to morality; by inflicting more fevere punifhments on offenders who commit, what may be termed, *political crimes*, and crimes againft property, than on thofe who violate religion and virtue.

Like unfkilful artifts, we feem to have begun at the wrong end; fince it is clear that the diftinction which has been made, in the punifhments, between public and private crimes is fubverfive of the very foundation it would eftablifh.

Private offences being the fource of public crimes, the beſt method of guarding ſociety againſt the latter is, to make proper proviſions, for checking the former.—A man of pure morals always makes the beſt Subject of every State; and few have ſuffered puniſhment as public delinquents, who have not long remained unpuniſhed as private offenders. The only means, therefore, of ſecuring the peace of Society, and of preventing more atrocious crimes, is, to enforce, by leſſer puniſhments, the obſervance of religious and moral duties: Without this, laws are but weak guardians either of the State, or the perſons or property of the Subject.

The People are to the Legiſlature what a child is to a parent:—As the firſt care of the latter is to teach the love of virtue, and a dread of Puniſhment; ſo ought it to be the duty of the former, to frame laws with an immediate view to the general improvement of morals.

That kingdom is happieſt where there is moſt virtue, ſays an elegant writer.—It follows of courſe, that thoſe laws are the beſt which are moſt calculated to promote morality:—the operation of which, in every State is a conduct intentionally directed towards the public good.

It ſeems, therefore, that by puniſhing what are called public Crimes, with peculiar ſeverity, we only provide againſt preſent and temporary miſchiefs. That we direct the vengeance of the Law againſt effects which might have been prevented by obviating their cauſes:—And this may be aſſigned in a part as the cauſe of civil wars and revolutions. The laws are armed againſt the *powers* of rebellion, but are not calculated to oppoſe its *principle*.

Few civil wars have been waged from conſiderations of public virtue, or even for the ſecurity of public liberty. Theſe deſperate undertakings are generally promoted and carried on by abandoned and depraved characters, who ſeek to better their fortunes

in the general havoc and devaſtation of their country. Thoſe men are eaſily ſeduced from their loyalty who are apoſtates from virtue.

To be ſecure therefore againſt thoſe public calamities which, almoſt inevitably, lead to anarchy and confuſion, it is far better to improve and confirm a nation in the true principles of natural juſtice, than to perplex them by political refinements.

When we are taught, for inſtance, that it is a greater Crime to coin a ſixpence than to kill our father or mother, nature and reaſon revolt againſt the propoſition; and we at once determine that the degrees of Puniſhment ought to be different.

It is the triumph of liberty, ſays the great Monteſquieu, when the criminal laws proportion Puniſhments to the particular nature of each offence. It may be further added, that when this is the caſe, it is alſo the triumph of reaſon.

In offences which are conſidered by the Legiſlature as merely perſonal, and not in the claſs of public wrongs, the diſproportion is exceedingly ſhocking.

If, for inſtance, a perſonal aſſault is committed of the moſt cruel, aggravated, and violent nature, the offender is ſeldom puniſhed in any other manner than by a fine and impriſonment: but if a delinquent ſteals from his neighbour ſecretly more than the value of twelve-pence, the law dooms him to death. And he can ſuffer no greater puniſhment (except the ignominy exerciſed on his dead body), if he robs and murders a whole family. Some private wrongs of a flagrant nature are even paſſed over with impunity.—The ſeduction of a married woman—the deſtruction of the peace and happineſs of families, reſulting from alienating a wife's affections, and defiling her perſon, is not an offence puniſhable by the Criminal Law; while it is death to rob the perſon, who has ſuffered this extenſive injury, of trifle exceeding a ſhilling.

The Crime of Adultery was punished with great severity both by the Grecian and the Roman laws. In England this offence is not to be found in the Criminal Code. It may indeed be punished with fine and penance by the Spiritual Law; or indirectly in the Courts of Common Law, by an action for damages, at the suit of the party injured. The former may now (perhaps fortunately) be considered as a dead letter; while the other remedy, being merely of a pecuniary nature, has little effect in restraining this species of delinquency.

Having thus taken a general view of the principles applicable to our Criminal Laws with respect to punishments, it may be necessary, for the purpose of more fully illustrating these reflections, briefly to consider the various leading Offences, and their corresponding punishments; and to examine how far they are proportioned to each other.

High Treason is the highest civil Crime which can be committed by any member of the community.—After various alterations and amendments, made in subsequent reigns, and afterwards repealed, the definition of this Offence was settled as it originally stood, by the Act of the 25th of Edward the III. stat. 5, chap. 2, and may be divided into seven different heads:

1. Compassing or imagining the Death of the King, Queen, or Heir Apparent.
2. Levying War against the King in his realm.
3. Adhering to the King's enemies, and giving them aid, in the realm or elsewhere.
4. Slaying the King's Chancellor or Judge in the execution of their offices.*

* It has lately been thought necessary to explain and enlarge these clauses of the Act 25 *Ed.* III. as not extending, with sufficient explicitness, to modern treasonable attempts. It is therefore provided by the Act 36 *Geo.* III. *cap.* 7, "That if any person (during the life of his present Majesty, and until the end of the Session of Parliament next after his demise) shall, within the realm, or without, compass, imagine, invent, devise, or intend death or destruction, *or any bodily*

5. Violating the Queen—the eldeſt daughter of the King, or the Wife of the Heir Apparent, or eldeſt Son.
6. Counterfeiting the King's Great Seal, or Privy Seal.
7. Counterfeiting the King's Money, or bringing falſe Money into the Kingdom. (*See ante page 94 to 99.*)

This detail ſhews how much the dignity and ſecurity of the King's perſon is confounded with his officers, and even with his effigies impreſt on his Coin. To aſſaſſinate the ſervant or to counterfeit the type, is held as criminal as to deſtroy the Sovereign.

This indiſcriminate blending of crimes, ſo different and diſproportionate in their nature, under one common head, is certainly liable to great objections; ſeeing that the judgment in this offence is ſo extremely ſevere and terrible, *viz.* That the offender be drawn to the gallows, on the ground or pavement: That he be hanged by the neck, and then cut down alive: That his entrails be taken out and burned while he is yet alive: That his head be cut off: That his body be divided into four parts: And that his head and quarters be at the King's diſpoſal.—Women however, are only to be drawn and hanged: though, in all caſes of treaſon, they were heretofore ſentenced to be burned: a cruel puniſhment, which, after being alleviated by the cuſtom of previous ſtrangulation, was at length repealed, by the act 30 Geo. III. c. 48.

There are indeed ſome ſhades of difference with regard to coining money; where the offender is only

Law, tending to death or deſtruction, maim, or wounding, impriſonment or reſtraint of the perſon of the King, his heirs and ſucceſſors, or to deprive or depoſe him or them from his ſtile, honour, or Kingly name; or to levy war againſt the King within this realm, in order by force to compel him to change his meaſures; *or in order to put any force or conſtraint upon or to intimidate or overawe* BOTH HOUSES, OR EITHER HOUSE, OF PARLIAMENT; or to incite any foreigner to invade the dominions of the Crown: and ſuch compaſſings, &c. ſhall expreſs, utter, or declare, *by publiſhing any printing or writing*, or by *any other* overtact or deed,"—the offender ſhall be deemed *a Traitor*, and puniſhed accordingly.

drawn and hanged: and that part of the punifhment which relates to being *drawn* and *quartered* is, to the honor of humanity, never practifed. But even in cafes of the moft atrocious criminality, the execution of fo horrid a fentence feems to anfwer no good political purpofe. Nature fhudders at the thought of imbruing our hands in blood, and mangling the fmoaking entrails of our fellow creatures.

In moft Countries and in all ages, however, treafon has been punifhed capitally. Under the Roman laws, by the Cornelia Lex, of which Sylla, the Dictator, was the author, this Offence was created. It was alfo made a capital Crime when the Perfian monarchy became defpotic.

By the laws of China, treafon and rebellion are punifhed with a rigor even beyond the feverity of our judgment, for the criminals are ordained to be cut in *ten thoufand* pieces.

There is another fpecies of treafon, called *petty treafon*, defcribed by the ftatute of the 25th of Edward the III. to be the offence of *a fervant killing his mafter, a wife killing her hufband*, or a *fecular or religious flaying his prelate*.—The punifhment is fomewhat more ignominious than in other capital offences, inafmuch as a *hurdle* is ufed inftead of a *cart*.—Here again occurs a very ftrong inftance of the inequality of Punifhments; for although the principle and offence of this Crime is breach of duty and obedience due to a fuperior ftain, yet if a child murders his parents, (unlefs he ferved them for wages) he is not within the ftatute; although it muft feem evident to the meaneft underftanding that parricide is certainly a more atrocious and aggravated offence, than either of thofe fpecified in the ftatute.

By the Lex Pompeia of the Romans, parricides were ordained to be fown in a fack with a *dog*, a *cock*, a *viper*, and an *ape*, and thrown into the fea, thus to periſh by the moſt cruel of all tortures.

The ancient laws of all civilized nations punished the crime of parricide by examples of the utmost severity. The Egyptians put the delinquents to death by the most cruel of all tortures—mangling the body and limbs, and afterwards laying it upon thorns to be burnt alive.

By the Jewish law it was death for children to curse, or strike their parents; and in China, this crime was considered as next in atrocity to treason and rebellion, and in like manner punished by cutting the delinquent in *one thousand* pieces.

The laws of England however make no distinction between this Crime and common murder; while it is to be lamented that offences far less heinous, either morally or politically considered, are punished with the same degree of severity; and it is much to be feared, that this singular inequality is ill calculated to inspire that filial awe and reverence to parents, which all human laws ought to inculcate.

The offences next in enormity to Treason, are by the laws of England, denominated Felonies, and these are of two kinds, *public* and *private*.

Public Felonies are these following; having relation to the State.

1. Felonies relative to the Coin of the Realm.
2. ——— to the King and his Counsellors, &c.
3. ——— to Soldiers and Marines.
4. ——— to embezzling Public Property.
5. ——— to Riot and Sedition.
6. ——— to Escape from Prison,
7. ——— to Revenue and Trade, &c.

Private Felonies are described as crimes committed, 1. *Against the Life*, 2. *The Body*, 3. *The Goods*, 4. *The Habitation of the Subject*.

Against Life.
1. By Murder.
2. By Manslaughter.
3. By Misadventure.
4. By Necessity.

Against Goods.
1. Simple Larceny.
2. Mixt Larceny.
3. Piracy.

Against the Body.
1. Solomy.
2. Rape.
3. Forcible Marriage.
4. Polygamy.
5. Mayhem.

Against the Dwelling or Habitation.
1. Arson.
2. Burglary.

Thoſe crimes which are denominated *Public Felonies* being merely of a political nature, it would ſeem that the ends of juſtice would be better anſwered, and convictions oftner obtained, by different degrees of Puniſhment ſhort of death; the policy of which may fairly be queſtioned, grounded on the various reaſons already aſſigned in the courſe of this work.

With regard to *Private Felonies*, it may be neceſſary to make ſome ſpecific obſervations.——

The firſt, in point of enormity, is *Murder*, which may be committed in two ways: firſt, upon *one's ſelf*, in which caſe the offender is denominated *felo de ſe*, or a *ſelf-murderer*—ſecondly, by killing another perſon.

The Athenian Law ordained, that perſons guilty of ſelf-murder ſhould have the hand cut off which did the murder, and buried in a place ſeparate from the body; but this ſeems of little conſequence. When ſuch a calamity happens, it is a deplorable misfortune; and there ſeems to be a great cruelty in adding to the diſtreſs of the wife, children, or neareſt kin of the deceaſed, by the forfeiture of his whole property; which is at preſent confiſcated by Law.

By the Law of England, the judgment in caſe of murder is, that the perſon convicted ſhall ſuffer death, and that his body ſhall be diſſected.

The laws of moſt civilized nations, both ancient and modern, have juſtly puniſhed this atrocious offence with death. It was ſo by the laws of Athens, and alſo by the Jewiſh and Roman laws. By the Perſian law murderers were preſſed to death between two ſtones; and in China perſons guilty of this offence are beheaded, except where a perſon kill his adverſary in a duel, in which caſe he is ſtrangled. Decapitation, by the laws of China, is conſidered as the moſt diſhonourable mode of execution.

In the ruder ages of the world, and before the manners of mankind were ſoftened by the arts of peace and civilization, murder was not a capital crime:

Hence it is, that the barbarous nations which overran the Weſtern Empire, either expiated this crime by private revenge, or by a pecuniary compoſition. Our Saxon anceſtors puniſhed this high offence with a fine; and they too countenanced the exerciſe of that horrid principle of revenge, by which they added blood to blood. But in the progreſs of civilization and ſociety, the nature of this crime became better underſtood; private revenge was ſubmitted to the power of the law; and the good King Alfred firſt made Murder a capital offence in England.

In this caſe, as in that of Self-murder, the property of the murderer goes to the State; without any regard to the unhappy circumſtances of the families either of the murdered or the guilty perſon, who may be completely ruined by this fatal accident. A proviſion which ſeems not well to accord with either the juſtice or mildneſs of our laws.

Manſlaughter is defined to be *the killing another without malice, either expreſs or implied: which may be either, voluntarily, upon a ſudden heat; or involuntarily, but in the commiſſion of ſome unlawful Act.* And the puniſhment is, *that the perſon convicted ſhall be burnt in the hand, and his goods forfeited.* And offenders are uſually detained in priſon for a time not exceeding one year; under the ſtatutes regulating the benefit of Clergy.

Homicide by *Miſadventure* is, when *one is doing a lawful act; without intent to hurt another*, and *death enſues.* For this offence a pardon is allowed of courſe; but in ſtrictneſs of law the property of the perſon charged is forfeited; the rigour of which however, is obviated by a Writ of Reſtitution of his goods, to which the party is now, by long uſage, entitled of right; only paying for ſuing out the ſame.

Homicide *by neceſſity* or in *ſelf-defence*, is another ſhade of murder, upon which no puniſhment is inflicted: and in this is included what the Law expreſſes by the word *Chance-medley*: which is properly ap-

plied to such killing as happens in self-defence upon a sudden rencounter, Yet, still by strictness of Law, the goods and chattels of the person charged and convicted are forfeited to the Crown; contrary, as it seems to many, to the principles of reason and justice.

It must be allowed that in all cases where the Homicide does not amount to Murder or Manslaughter, the Judges permit, nay even direct, a verdict of acquittal. But it appears more consonant with the sound principles of Justice that the law itself should be precise, than that the property of a man should, in cases of *Misadventure*, *Chance-Medley*, and *Self-defence* depend upon the construction of a Judge, or the lenity of a Jury: Some alteration therefore, in the existing Laws, seems called for in this particular.

Having thus briefly discussed what has occurred relative to the punishment of offences against life, we come next to make some observations on what has been denominated *private felonies against the body of the Subject*.

By the Grecian, Roman, and Jewish laws, the abominable crime of *Sodomy* was punished with death. In France, previous to the Revolution, the offenders suffered death by burning.

The Lombards were said to have brought this abominable vice into England, in the reign of Edward the Third. In ancient times the men were hanged, and the women drowned: At length by Act the 25th of Henry the Eighth, cap. 6, it was made felony without benefit of clergy.—

It has been doubted, however, whether the severity of the punishment of a crime so unnatural, as even to appear incredible, does not defeat the object of destroying it, by rendering it difficult to convict an offender.

The same objection has been made with respect to the crime of committing *a Rape*. A proper tenderness for life makes the Law require strong evidence,

and of courſe the proof is nice and difficult; whereas, were the puniſhment more mild, it would be more efficacious in preventing the violation of chaſtity.

By the Laws of Egypt, Rapes were puniſhed by cutting off the offending parts. The Athenian laws compelled the raviſher of a virgin to marry her, It was long before this offence was puniſhed capitally by the Roman law: but at length the *Lex Julia* inflicted the pains of death on the Raviſher. The Jewiſh law alſo puniſhed this crime with death; but if a virgin was deflowered without force, the offender was obliged to pay a fine, and marry the woman.

By the 18th of Elizabeth, cap. 7, this offence was made felony without benefit ot clergy.

It is certainly of a very heinous nature, and, if tolerated, would be ſubverſive of all order and morality: yet it may ſtill be queſtioned, how far it is either uſeful or politic to puniſh it with death: and it is worth conſidering, whether, well knowing that it originates in their regular and inordinate gratification of unruly appetite, the injury to ſociety may not be repaired without deſtroying the offender.

In moſt caſes, this injury might be repaired by compelling (where it could be done) the criminal to marry the injured party; and it would be well for ſociety, if the ſame rule extended not only to all forcible violations of chaſtity, but even to inſtances of premeditated and ſyſtematic ſeduction.

In caſes, however, where marriage could not take place, on account of legal diſability, or refuſal on the part of the woman, the criminal ought to be ſeverely puniſhed, by pecuniary damages to the party injured, and by hard labour and confinement, or tranſportation for life.

The offence conſidered as next in point of enormity to Rape, is *Forcible Marriage, or Defilement of Women:* but it is ſomewhat remarkable, that by confining the offence to women of eſtate only, the moral principles are made to yield to political conſidera-

tions; and the ſecurity of property in this inſtance, is deemed more eſſential than the preſervation of female chaſtity.

In ſhort, the property of the woman is the meaſure of the crime; the ſtatutes of the 3d of Henry the Seventh, cap. 2, and the 39th of Elizabeth cap. 9. making it felony without benefit of clergy, to take away, for lucre, any woman, having lands or goods, or being an heir apparent to an eſtate, by force, or againſt her will, and to marry or defile her. The forcible marriage and defilement of a woman without an eſtate is not puniſhed at all; although, according to every principle of morality and reaſon, it is as criminal as the other. It is indeed an offence not ſo likely to be committed.

However, it ſeems in every point of view, impolitic to puniſh ſuch offences with death; it might be enough, to expiate the crime by alienating the eſtate from the huſband—veſting it in the wife alone, and confining him to hard labour; or by puniſhing the delinquent, in very atrocious caſes, by tranſportation.

Polygamy ſtands next as an offence againſt the perſon: It was declared felony by the ſtatute of James the Firſt, *cap.* 11, but not excluded from the benefit of clergy, and therefore not ſubject to the puniſhment of death.

Though, in one view, the having a plurality of wives, or huſbands, appears only a political offence, yet it is undeniably a breach of religious and moral virtue, in a very high degree. It is true, indeed, that in the early ages of the world, Polygamy was tolerated both in Greece and Rome, even after the people had arrived at a high pitch of refinement. But ſince the inſtitution of Matrimony under the preſent form, Polygamy muſt be conſidered as highly criminal, ſince marriage is an engagement which cannot be violated without the greateſt injury to ſociety. The public intereſt, therefore, requires that it ſhould be puniſhed; and the Act 35th George III.

cap. 67, which punishes this offence with transportation, is certainly not too severe.

Mayhem, or Maiming, is the last in the Catalogue of *Offences against the Person*. It was first made single felony by the Fifth of Henry the Fourth, cap. 5. It is defined to be *be maiming, cutting the tongue and putting out the eyes of any of the King's liege people*. The statute of the 22d and 23d of Charles the Second, cap. 2, extends the description of this offence to slitting the nose, cutting off a nose or lip, or cutting off or disabling any limb or member, by malice forethought, and by lying in wait with an intention to maim and disfigure:—And this statute made the offence felony, without benefit of clergy.

To prove Malice in this crime, the act must be voluntary, and of set purpose, though done on a sudden.—In that case the law will imply Malice.

Mayhem, as explained in the above statutes, is certainly a very atrocious offence; and as the punishment is not followed by corruption of blood, or the forfeiture of the property of the offender, it is according to the present system, perhaps not too severe.

We next come to examine *Private Felonies* against the *Goods or Property of the Individual, viz. Simple Larceny*; *Mixt Larceny*; and *Piracy*.

Simple Larceny is divided into two sorts; —1st, Grand Larceny, and 2d, Petit Larceny. The first is defined to be *the felonious taking and carrying away the mere personal property or goods of another, above the value of twelve pence*.—This offence is capital, and punished with death, and the forfeiture of property.

Petit Larceny is where the goods, taken in the above manner, are under the value of twelve pence; in which case, the punishment (according to the circumstances of atrocity attending the offence) is imprisonment, whipping, or transportation, with forfeiture of goods and chattels.

Thus it appears that by the rigour of the law, stealing the least trifle above 12d, subjects the of-

fender to the loſs of life; which ſeems repugnant to reaſon, policy, or juſtice: more eſpecially when it is conſidered, that at the time this *Anglo-Saxon law* was made, in the reign of *Athelſtan*, 860 years ago, *one ſhilling* was of more value, according to the price of labour, than *ſeventy-five ſhillings* are at the preſent period; The life of man therefore may be juſtly ſaid to be ſeventy-five times cheaper, than it was when this mode of puniſhment was firſt eſtabliſhed.

By the Athenian laws, the crime of theft was expiated, by paying double the value of what was ſtolen, to the party robbed; and as much more to the public.—Solon introduced a law, enjoining every perſon to ſtate, in writing, by what means he gained his livelihood; and if falſe information was given, or he gained his living in an unlawful way, he was puniſhed with death.—A ſimilar law prevailed among the Egyptians.

The *Lex Julia* of the Romans made Theft puniſhable at diſcretion; and it was forbidden, that any perſon ſhould ſuffer death, or even the loſs of a member, for this crime.—The greateſt puniſhment which appears to have been inflicted for this offence, in its moſt aggravated circumſtances, was four-fold reſtitution.

By the Jewiſh law, Theft was puniſhed in the ſame manner; with the addition of a fine according to the nature of the offence; excepting in caſes where *men* were ſtolen, which was puniſhed with death.

In China, Theft is puniſhed by the baſtinadoe, excepting in caſes of a very atrocious nature, and then the culprit is condemned to the Knoutage—a contrivance not unlike the pillory in this country.

The ancient laws of this kingdom puniſhed the crime of Theft differently Our Saxon anceſtors did not at firſt puniſh it capitally. The laws of king Ina* inflicted the puniſhment of death, but allowed the

* King of the Weſt Saxons, anno 688.

thief to redeem his life, *Capitis eſtimatione*, which was ſixty ſhillings; but in caſe of an old offender, who had been often accuſed, the hand or foot was to be cut off.

After various changes which took place under different princes, in the rude and early periods of our hiſtory, it was at length ſettled in the 9th of Henry the Firſt, (A. D. 1108) *that for theft and robbery, offenders ſhould be hanged*; This has continued to be the law of the land ever ſince, excepting in the county palatine of Cheſter; where the ancient cuſtom of beheading felons was practiſed ſome time after the law of Henry the Firſt; and the Juſtices of the Peace of that county received one ſhilling from the king, for every head that was cut off,

Monteſquieu ſeems to be of opinion that as thieves are generally unable to make reſtitution, it may be juſt to make theft a capital crime. But would not the offence be expiated in a more rational manner, by compelling the delinquent to labour, firſt for the benefit of the party aggrieved, till recompence is made, and then for the State.*

According to the preſent ſyſtem the offender loſes his life, and thoſe whom he has injured loſe their property; while the State alſo ſuffers in being deprived of a member, whoſe labour, under proper countroul, mighthave been made uſeful and productive.

Obſervations have already been made on one conſequence of the ſeverity of the puniſhment for this offence; that perſons of tender feelings conſcientiouſly ſcruple to proſecute delinquents for inconſiderable Thefts;† From this circumſtance it is believed, that

* That acute Reaſoner, tht Marquis BECCARIA, who wrote after MONTESQUIEU, holds this laſt opinion.—"A puniſhment, (ſays this able writer) to be juſt, ſhould have only that degree of ſeverity which is ſufficient to deter others: perpetual labour will have this effect more than the puniſhment of death."

BECC. chap. 28.

† See the Introduction; and Chapter X.

not one depredation in a hundred, of thoſe actually committed, comes to the knowledge of Magiſtrates.

Mixed or *complicated Larceny* has a greater degree of guilt in it than ſimple Larceny; and may be committed either by taking from a man, or from his houſe. If a perſon is previouſly put in fear or aſſaulted, it is denominated *Robbery*.

When a Larceny is committed which does not put the party robbed in fear;—it is done privately and without his knowledge, by picking his pocket, or cutting the purſe, and ſtealing from thence above the value of twelve pence: or publicly, with the knowledge of the party, by ſtealing a hat or wig and running away.

With reſpect to *Dwelling Houſes* the Common Law has been altered by various Acts of Parliament; the multiplicity of which is apt to create confuſion: but upon comparing them diligently, we may collect that the following domeſtic aggravations of Larceny are puniſhable with death, without benefit of clergy.

Firſt; *Larcenies above the value of twelve pence;* commited, 1ſt. In a church or chapel, with or without violence or breaking the ſame; 23 Henry VIII. cap. 1: 1 Edward VI. cap. 12.—2d. In a booth or tent, in a market or fair, in the day time or in the night, by violence or breaking the ſame; the owner, or ſome of his family, being therein; 5 and 6 Edward VI. cap. 9.—3d. By robbing a dwelling houſe in the day time (which *robbing* implies a *breaking*,) any perſon being therein: 3 and 4 William and Mary, cap. 9.—4th. By the ſame Act, (and ſee the Act 23 Henry VIII. cap. 1.) in a dwelling houſe, by day or by night; without breaking the ſame, any perſon being therein, and put in fear: which amounts in law to a Robbery; and in both theſe laſt caſes the *Acceſſory before the fact* is alſo excluded from the benefit of clergy.

Secondly; *Larcenies to the value of five ſhillings*; committed, 1ſt. By breaking any dwelling houſe,

or any outhouſe, ſhop, or warehouſe thereunto belonging, in the day time; although no perſon be therein: which alſo now extends to aiders, abetters, and acceſſaries before the fact: 39 Elizabeth, cap. 15; ſee alſo 3 and 4 William and Mary, cap. 9.—2d. By privately ſtealing goods, wares, or merchandiſe in any ſhop, warehouſe, coach-houſe, or ſtable, by day or night; though the ſame be not broken open, and though no perſon be therein: which likewiſe extends to ſuch as aſſiſt, hire, or command the offence to be committed: 10 and 11 William. III. cap. 23.

Laſtly; *Larcenies to the value of forty ſhillings*, from a dwelling houſe, or its outhouſes, although the ſame be not broken, and whether any perſon be therein or not; unleſs committed againſt their maſters, by apprentices, under the age of fifteen; 12 Anne, ſtat. 1. cap. 7.

Piracy is a felony againſt the goods of the Subject by a robbery committed at ſea.—It is a capital offence by the civil law, although by Act of Parliament, it may be heard and determined, according to the rules of the common law, as if the offence had been committed on land. The mode of trial is regulated by the 28th of Henry the Eighth, cap. 15; and further by the Act 11 and 12 William III. cap. 7.

Felonies *againſt the Dwelling or Habitation of a man are of two kinds; and are denominated Arſon and Burglary.*

Arſon or *Arſonry* is a very atrocious offence—it is defined to be *the malicious burning of a Houſe either by night or by day.* It is in this caſe a capital offence; but if a man burns his own houſe, without injuring any other, it is only a miſdemeanor, puniſhable by fine, impriſonment, or the pillory.

By the 23d of Henry the Eighth, cap. 1. the capital part of the offence is extended to perſons, (whether principals or acceſſaries,) burning dwelling houſes; or barns wherein corn is depoſited; and by the

43d of Elizabeth, cap. 13, burning barns or ſtacks of corn in the four northern counties, is alſo made felony without benefit of clergy.

By the 22d and 23d of Car. II cap. 7, it is made felony to ſet fire to any ſtack of corn, hay, or grain; or other out-buildings, or kilns, malicioufly, in the night time; and is puniſhable with tranſportation for ſeven years.

By the 1ſt George I. cap. 48, it is alſo made ſingle felony to ſet fire to any wood, underwood, or coppice.

Other burnings are made puniſhable with death, without benefit of clergy, *viz.* Setting fire to any houſe, barn, or outhouſe, or to any hovel, cock, mow, or ſtack of corn, ſtraw, haw, or wood: or to reſcue any ſuch offender: 9 George I. cap. 22.—Setting fire to a coal-mine: 10 George II. cap. 32.—Burning, or ſetting fire to, any windmill, watermill or other mill; (as alſo pulling down the ſame:) 9 George III. cap. 29; But the offender muſt be proſecuted within eighteen months.—Burning any ſhip; to the prejudice of the owners, freighters, or underwriters: 22 and 23d Charles II. cap. 11; 1 Anne, ſtat 2, cap. 9; 4 George I. cap. 12.—Burning the King's ſhips of war afloat, or building: or the Dockyards, or any of the buildings, arſenals, or ſtores therein: 12 Geo. III. cap. 24.—And finally, *Threatening* by anonymous or fictitious letters to burn houſes, barns, &c. is by the Act 27 George II. cap. 15, alſo made felony without benefit of clergy.

Burglary is a felony at common law; it is deſcribed to be *when a perſon, by night, breaketh into the manſion of another, with an intent to commit a felony: whether the felonious intent be executed or not.*

By the 18th of Elizabeth, cap. 7, the benefit of clergy is taken away from the offence; and by the 3 and 4 William and Mary, cap. 9, from acceſſaries before the fact.—By the 12th of Anne, ſtat. 1, cap. 7, if any perſon ſhall enter into a manſion or dwel-

ling houſe by day or by night, without breaking into the ſame, with an intent to commit any felony, or being in ſuch houſe, ſhall commit any felony; and ſhall, in the night time, *break* the ſaid houſe *to get out* of the ſame, he is declared guilty of the offence of burglary, and puniſhed accordingly.

It is, without doubt, highly expedient that this Offence ſhould be puniſhed more ſeverely than any other ſpecies of theft; ſince beſides the loſs of property, there is ſomething very terrific in the mode of perpetration, which is often productive of dreadful effects.

The ancient laws made a marked diſtinction in the puniſhment, between this Offence, which was called Hamſokne, (and which name it retains at preſent in the Northern part of this kingdom) and robbing a houſe in the day time.

There are many other felonies which have been made capital (particularly within the preſent century) which do not properly fall within the claſſes above diſcuſſed;—for an account of theſe the reader is referred to the general catalogue of Offences ſpecified in the next Chapter.

The number of theſe various capital Offences upon which the judgment of death muſt be pronounced if the party is found guilty, has been ſtated in another part of this Work to amount to above one *hundred and ſixty*.—And yet if a full conſideration ſhall be given to the ſubject, it is believed that (excepting in caſes of *Treaſon*, *Murder*, *Mayhem*, and ſome aggravated inſtances of Arſonry) it would be found that the puniſhment of death is neither politic nor expedient.

At any rate, it muſt be obvious to every reaſoning mind, that ſuch *indiſcriminate rigour*, by puniſhing the petty pilferer with the ſame ſeverity as the atrocious murderer, cannot be reconciled to the rights of nature or to the principles of morality.

It is indeed true, in point of practice, that in moſt caſes of a ſlight nature, the mercy of Judges, of Ju-

ries, or of the Sovereign faves the delinquent; but is not the exercife of this mercy rendered fo neceffary on on every occafion, "*a tacit difapprobation of the laws?*"*

Cruelty, in punifhment for flight Offences, often induces Offenders to pafs on from the trifling to the moft atrocious crime.—Thus are thefe our miferable fellow mortals rendered defperate; whilft the laws which ought to foften the ferocity of obdurate minds, tend to corrupt and harden them.

What education is to an individual, the laws are to fociety.—Wherever they are fanguinary, delinquents will be hard-hearted, defperate, and even barbarous.

However much our anceftors were confidered as behind us in civilization, yet their laws were infinitely milder, in many inftances, than in the prefent age of refinement.

The real good of the State, however unqueftionably requires that not only adequate punifhment fhould be impartially inflicted, but that the injured fhould obtain a reparation for their wrongs.

Inftead of fuch reparation it has been already ftated, and indeed it is much to be lamented, that many are induced to defift from profecutions, and even to conceal injuries, becaufe nothing but expence and trouble is to their lot: as all the fruits of the conviction, where the criminal has any property, go to the State.—That the State fhould be the only immediate gainer by the fines and forfeitures of criminals, while the injured party fuffers, is certainly not reconcileable to the principles either of *juftice*, *equity*, or *found policy*.

Having faid thus much on the fubject of fevere and fanguinary Punifhments, it may not be improper to mention a very recent and modern authority, for the total abolition of the punifhment of death. This op-

* Beccaria.

curred in the Imperial Dominions, where a new code of criminal law was promulgated by the late Emperor, Joſeph the Second; and legalized by his edict in 1787.

This Code, formed in an enlightened age, by Princes, Civilians, and Men of Learning, who ſat down to the deliberation, aſſiſted by the wiſdom and experience of former ages, and by all the information poſſible with regard to the practice of civilized modern nations; with an impreſſion alſo upon their minds, that ſanguinary puniſhments, by death, torture, or diſmemberment of parts, are not neceſſary, and ought to be aboliſhed; becomes an intereſting circumſtance in the annals of the world. A deſire is excited to examine the principles, and the details, of a ſyſtem formed by men of talents, abilities and knowledge; and unſhackled by thoſe prejudices which the ſuperſtition of former ages engendered.

"*The Emperor in his edict ſigned at Vienna the* 13*th* "*of January* 1787, *declares his intention to have been* "*to give a preciſe and invariable form to Criminal Ju-*"*dicature; to prevent arbitrary interpretations; to* "*draw a due line between criminal and civil offences,* "*and thoſe againſt the State; to obſerve a juſt propor-*"*tion between offences and puniſhments, and to deter-*"*mine the latter in ſuch a manner as that they may make* "*more than merely a tranſient impreſſion.—Having pro-*"*mulgated this new code, he abrogates, annuls and de-*"*clares void all the ancient laws which formerly exiſted* "*in his dominions.*—Forbidding at the ſame time "every criminal Judge to exerciſe the functions of his "office, on any but thoſe who ſhall be brought be-"fore him, accuſed of a criminal offence expreſſed "in the new code."

This ſyſtem of criminal law is ſo conciſe, as to be comprehended in leſs than one hundred octavo pages. It commences with laying down certain general principles, favourable in their nature both to humanity and public liberty.—In determining the Puniſhments

(which will hereafter be very ſhortly detailed) the following rules are laid down for the Judges.

" *The criminal Judge ſhould be intent on obſerving* " *the juſt proportion between a criminal Offence and the* " *puniſhment aſſigned it, and carefully to compare every* " *circumſtance.—With reſpect to the* Offence, *his prin-* " *cipal attention ſhould be directed to the degree of ma-* " *lignity accompanying the bad action,—to the impor-* " *tance of the circumſtance connected with the Offence—* " *to the degree of damage which may reſult from it,—to* " *the poſſibility or impoſſibility of the precautions which* " *might have been made uſe of to prevent it.—With re-* " *ſpect to the* Criminal, *the attention of the Judge ſhould* " *be directed to his youth,—to the temptation or impru-* " *dence attending it,—to the puniſhment which has been* " *inflicted for the ſame Offence, and to the danger of a* " *relapſe.*

The offences are divided into ſeven different claſſes.

Thoſe denominated Criminal Offences, viz.
1. Offences againſt the Sovereign and the State, including high treaſon.
2. Offences againſt human life and bodily ſafety.
3. Offences againſt property and liberty.
4. Offences againſt public tranquillity.

Thoſe denominated Civil Offences, viz.
5. Offences that endanger the life or health of the Citizens.
6. Offences that affect the fortunes or rights of the Citizens.
7. Offences that tend to the corruption of manners.

It is impoſſible, within the narrow compaſs of this Work, to enter into any particular detail of the various ſubdiviſions of the Crimes and Puniſhments explained in this Code: which muſt be peruſed, in order to form a clear and comprehenſive view of the ſubject. The following ſpecification therefore contains merely the *heads* or outlines of the ſyſtem; which it is hoped may be found, from the manner it is arranged, to convey to the reader both amuſement and inſtruction.

ABSTRACT

OF THE

CRIMINAL CODE

OF THE

EMPEROR JOSEPH II.

	Crimes.	Punishments.
High Treason.	1. Laying violent hands on the Sovereign, whether injury refults from it or not.	Confifcation of property; imprifonment for not lefs than 30 years; and branding on each cheek with the mark of a gallows* if the prifoner is remarkably depraved.
	2. Attacking the Sovereign by fpeeches or writings.	Imprifonment 8 years, and not lefs than 5.
	3. Perfons conpiring and taking up arms, or entering into alliance with an enemy, &c. are guilty of *fedition and tumult*.	Confifcation of property and 30 years imprifonment, with branding as above.
Criminal offences relative to the Sovereign and the State.	4. He who enters the houfe or abode of another, and ufes violence againft his perfon, goods or poffeffions is guilty of *open force*.	Imprifonment not lefs than one month, nor more than 5 years, and condemnation to the public works.
	5. He who violently refifts the authority of a Judge, or Officer of Juftice, although no wound refult, is guilty of *open violence*.	Imprifonment not lefs than one month nor more than 5 years; but where there is an injury and wounds, not exceeding 8 nor lefs than 5.
	6. Breach of truft, on a Governor, or Charge des Affaires; neglecting the intereft of the State, or betraying his Country, &c.	Imprifonment not lefs than 8, nor more than 12 years, and condemnation to the public works, and in aggravated cafes, the pillory.†
	7. A Judge, who from corruption or paffion is guilty of an *abufe of judicial authority*.	The fame.

* In cafes where a criminal appears to be remarkably depraved, and that the apprehenfion he may excite require fuch precautions, he fhall be branded on each cheek with the mark of a gallows, fo vifibly and ftrongly impreffed as not to be effaced either by time or in any other manner whatever.

† This punifhment is different from the pillory in England. In the German language it fignifies an expofure on the public theatre of fhame. The criminal is chained and guarded on an elevated fcaffold, and expofed an hour at a time, with a paper on his breaft denoting his offence.

	Crimes.	Punishments.
Criminal offences against the Sovereign and the State.	8. Accomplices attempting to corrupt a Judge.	Imprisonment not less than one month, nor more than five years; and condemnation to the public works.
	9. Forgery, by attempting to counterfeit public bills of the State which circulate as money.	Imprisonment not less than 30 years, and branding with a hot iron.
	10. Falsifying a public bill, by changing or altering it, or imitating signatures.	Imprisonment not less than 12, nor more than 15 years, and condemnation to the public works.
	11. Coining false money resembling the Coin of the Hereditary Dominions, or foreign Coin current by law; even though of equal weight and quality, or superior to the current Coin.	Imprisonment not less than one month, nor more than 5 years, with condemnation to the public works.
	12. Coining false Money, by using a bad alloy; and by fraud giving false Money the quality of good.	Imprisonment not less than 12 nor more than 15 years, and condemnation to the public works.
	13. Accomplices in fabricating tools for Coining.	Imprisonment not less than 8, nor more than 12 years, and the public works
	14. Assisting in the escape of a prisoner.	Imprisonment not less than one month, nor more than 5 years; with condemnation to the public works.
	15. Magistrates granting indulgencies contrary to law, &c.	Imprisonment not less than 12, nor more than 15 years; and deprivation of authority.
Criminal Offences against Human Life and Bodily Safety	16. *Murder*,—by wounding a man so that death ensues, including all accomplices.	Imprisonment, not less than 15, nor more than 30 years: the latter in cases of consanguinity.*
	17. Killing a man in self defence, if the slayer exceed the bounds of necessity.	Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works.
	18. *Murder*—with an intention to rob or steal the property of the person, or other property entrusted to his care.	Imprisonment, not less than thirty years, with the hot iron; in cruel cases, to be closely chained, with corporal punishment † every year.
	19 Assassination by stratagem, arms, or poison.	Condemnation to the chain,‡ not less than 30 years.
	20. Inducing another to commit Murder; by caresses, promises, presents, or threats;	Imprisonment, not less than 5, nor more than 8 years, and condemnation to the public works.—If murder is

* When a criminal is condemned to severe imprisonment, he has no bed but the floor, no nourishment but bread and water, and all communication with relations, or even strangers, is refused him. When condemned to milder imprisonment, better nourishment is allowed; but he has nothing to drink but water.

† Corporal punishment is inflicted with a whip, rod, or stick, publicly on the criminal; the degree of punishment (within 100 lashes or strokes at one time) depends on the found prudence of the Judge.

‡ The punishment of the Chain is inflicted in the following manner. The criminal suffers severe imprisonment, and is closely chained, that he has no more liberty than serves for the indispensable motion of his body.—Chained criminals suffer a corporal punishment once a year, as an example to the Public.

	Crimes.	Punishments.
Criminal Offences against Human Life and Bodily Safety.	whether death is the result or not.	committed, the criminal shall suffer as a murderer.
	21. *Duelling*,—or challenging another to combat with murderous weapons on whatever pretence the challenge be grounded.—The person accepting the challenge is equally guilty, after agreeing to combat with murderous weapons.	If death ensues; condemnation to the chain for 30 years, where the survivor is the challenger. If the survivor be the party challenged, imprisonment, not more than 12, nor less than 8 years, and condemnation to public works.—If neither fall, imprisonment to the challenger, not less than one month, nor more than 5 years; and hard labour in the public works.
	22. Accomplices acting as assistants and seconds.	Imprisonment, not less than one, nor more than 5 years.
	23. A Woman with child using means to procure abortion.	Imprisonment, not less 15, nor more than 30 years; and condemnation to the public works: augmented when married women.
	24. Accomplices advising and recommending abortion.	Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works.—Punishment increased when the accomplice is the father of the infant.
	25. Exposing a living infant, in order to abandon it to danger and death; or to leave its deliverance to chance; whether the infant, so exposed, suffers death or not.	Imprisonment not less than 8, nor more than 12 years: to be increased under circumstances of aggravation.
	26. Maiming by malignant assault.	Imprisonment, not less than one month, nor more than 5 years.
	27. Suicide, or self murder, without any sign of insanity.	The body to be thrown into the earth by the executioner, and the name of the person and crime to be publicly notified and fixed on a gollows.
Criminal Offences against Honor and Liberty.	28. *Calumny*,—false accusation—injuring a man of his rights, or robbing him of his good name unjustly and without proof. (See post, No. 56.)	Imprisonment, not less than one month, nor more than 5 years, and condemnation to the public works; with corporal punishment if the party receive injury.
	29. *Rape*,—or forcibly, by associates, threatenings, or shewing weapons, overpowering and forcing a woman to submit, and shamefully abusing her by rendering her incapable of opposition.	Imprisonment, not less than 8 years, nor more than 12, and condemnation to the public works.
	30 Accomplices aiding in the commission of a rape.	Imprisonment, not less than 5, nor more than 8 years; and condemnation to the public works.
	31. *Forcibly carrying a person out of the State* without his will or the consent of the Magistrate enlisting men into foreign service, &c.	Imprisonment, not less than 15 years, nor more then 30 years; augmented if the criminal is a natural born subject.
	32. *Forcibly or by address secretly carrying away a Minor* past	Imprisonment, not less than one month, nor more than 5 years, if no

	CRIMES.	PUNISHMENTS
Criminal Offences against Honor and Liberty.	the years of infancy, under the care of parents, guardians, &c.	injury refult—otherwife imprifonment, not lefs than 8, nor more than 12 years, and condemnation to the public works.
	33. *Forcibly and by addrefs, getting poffeffion of any woman* contrary to her will, obtaining her conſent to marriage, or fhameful debauchery, and carrying her from her abode; whether the deſign is accompliſhed or not.	Imprifonment, not lefs than 5 years, and not more than 8, and condemnation to the public works.
	34. *Forcibly carrying away a woman known to be bound by lawful marriage*, or under protection of parents, and without her conſent.	Imprifonment, not lefs than one month, nor more than 5 years, and condemnation to the public works.
	35. Accomplices aiding and aſſiſting.	The fame.
	36. *Unlawful imprifonment*, or keeping a perſon in confinement againſt his will and of his own private authority.	Imprifonment, not lefs than one month, nor more than 5 years; augmented in caſes of damages.
Criminal offences againſt Poſſeſſions and Rights.	37. *Fraud*,—Obtaining the property of another by ſtratagem, with an evil deſign on his poſſeſſions, honor, or liberty; forging title deeds or contracts, or *altering* the ſame.	Various, according to the degree of malignity—in general, by imprifonment not lefs than 8, nor more than 12 years; and in ſmaller offences, not lefs than 3 nor more than 8; and condemnation to the public works.
	Perjury in a Court of Juſtice, aſſuming a falſe name, &c. &c. bearing falſe witneſs.	The fame.
	38. *Theft*, or taking a moveable from the poſſeſſion of another by fraud, and without his conſent. See poſt, No. 47.	Imprifonment, not lefs than one month, nor more than 5 years, if unaccompanied by aggravating circumſtances; but in aggravated caſes, imprifonment not lefs than 5 nor more than 8, or not lefs than 8, nor more than 12 years.
	39. *Accomplices in Theft*,—abettors and receivers, &c.	Imprifonment, not lefs than one month, nor more than 5 years; and condemnation to the public works.
	40. *Robbery*—committed alone or in company, by uſing violence, or forcing a perſon to diſcover effects, on which the offender has felonious views.	Imprifonment, not lefs than 15 years nor more than 30.—If wounds enſue, in conſequence of the violence uſed—And if acts of cruelty or wounds, occaſioning death, then the puniſhment of the chain additional.
	41. *Incendiary*—where one undertakes an action from which fire may enſue, or with intention to prejudice, or cauſe damage, with a view to profit by the diſorder that takes place he ſhall be conſidered as *an incendiary*, whether damages enſue or not.	Imprifonment, not lefs than 8, nor more than 12 years; and condemnation to the public works: when the flames have been ſtifled. Setting fire to a Camp, Magazine, Barn, Timber yard, &c. from 15 to 30 years, according to the circumſtances of the caſe.
	42. *Bigamy* where one bound by the tie of lawful matrimony,	Imprifonment, not lefs than 5, nor more than 8 years, or condemnation to

	Crimes.	Punishments.
	concludes a second marriage with another person, single or married.	the public works; if the person, with whom the offender contracts the second marriage was acquainted with the first. If concealed, then imprisonment, not exceeding 12, nor less than 8 years.
Civil Offences that endanger the life or health of the Citizen.	43. Misadventure where without any ill intention, by means of poisonous merchandize, or apothecaries selling adulterated drugs, any person suffers danger or injury.	Imprisonment, from one month to a year, or condemnation to the public works, if the offender has caused any immediate damage; but if the cause of damage be remote, imprisonment from one day to a month.
	44. Damage to man or child, occasioned by riding or driving carriages with too much speed; or injury received by persons incapable of guarding against danger, occasioning a wound or death, which might have been prevented by due vigilance.	Imprisonment, from one day to a month; to be augmented, in case death or a wound should have resulted from the accident.
	45. Breaking Quarantine, &c. and fabricating false bills of health.	By a military court of justice.
	46. Actions prejudicial to health, or nuisances, when the necessary precautions prescribed by the laws of health are neglected in cases of dead animals; Distempers among cattle, &c. &c.	Condemnation to the public works, with or without fetters; either from 1 day to a month, or from 1 month to a year.
Civil Offences that affect the Fortunes and Rights of Citizens.	47. Stealing to the value of 25 Crowns of any moveable, when not accompanied with aggravating circumstances;—— *Stealing Wood in a Forest Poaching by an unqualified person, Stealing Fruit from Trees, or Earth from open Fields*—though beyond the value of 25 crowns. See ante, No. 38, 39.	Confinement, corporal correction, and the augmentation of the punishment if requisite.
	48. Using Frauds in playing at Games allowed by Law.	The pillory and condemnation to the public works, in atrocious cases; also imprisonment, from one day to a month, and restitution. In case of foreigners, the pillory and banishment.
	49. *Accomplices* co-operating in such Fraud.	Imprisonment, from one day to a month.
	50. *Playing at prohibited Games.*	A fine of 300 ducats, or imprisonment.
	51. *Persons selling Merchandize at* higher prices than fixed by the Police; or by false weight or measure.	Imprisonment, from one day to a month; which may be augmented.
	52. *Adultery.*	Corporal correction, or imprisonment, from one day to a month.

	Crimes.	Punishments.
Civil Offences that affect the fortunes and Rights of Citizens.	53. *Contracting illegal marriages, (See ante No. 42).*	Imprisonment, from one day to a month, and condemnation to the public works.
	54. *Servants* receiving earnest, and engaging to serve more masters than one, or otherwise misbehaving.	Corporal correction, or imprisonment, from one day to a month.
	55. *Masters* giving Servants a false character.	Imprisonment, from one day to a month.
	56. *Libels* on another by writing or disgraceful prints or drawings, causing injury to another. (See ante, No. 28.)	Condemnation to the public works; reserving the right of recompence to the party wronged.
	57. Distributing or publishing libels.	Condemnation to the public works; reserving the right of recompence to the party wronged.
	58. *Actions* by which danger by fire may be occasioned; such as smoking tobacco in a stable, or timber yard, &c.	Corporal correction.
	59. Acts of hasty petulance, leading to quarrels, assaults and damages.	Imprisonment various, or condemnation to the public works.
Civil Offences that tend to the Corruption of Morals.	60. Wickedly insulting the Supreme Being by words, deeds, or actions, in a public place, or in the presence of another person.	Detention in the hospital destined for madmen; where the offender is to be treated like a man out of his senses, until his amendment be perfect and assured.
	61. Disturbing the exercise of Public Worship, &c.	Imprisonment, from one day to a month; to be augmented by fasting and corporal correction.
	62. Writing or Preaching against the Christian Religion, and Catholic Faith, &c. &c. Heresies, &c.	Pillory and imprisonment, from one day to a month, or to a year.
	63. Committing Indecencies in any public street or place.	Imprisonment, from one day to a month, augmented by fasting.
	64. Attempting to seduce or insult women of reputation, by shameful debauchery, and using gestures, or discourses tending to that purpose.	Imprisonment, from one day to a month.
	65. Carnal Commerce by Man with Beast, or with a person of the same sex.—*Sodomy*	Corporal correction, and condemnation to the public works; and banishment from the place where the offence has been publicly scandalous.
	66. Consenting to shameful debauchery in his house; keeping a *Lewdy House.*	Condemnation to the public works, from one month to one year; to be augmented, when an innocent person has been seduced: 2d offence, the pillory.
	67. Any person, man, or woman, making a business of prostitution, and deriving profit from thence.	Imprisonment, from one month to a year—second offence punishment doubled, and augmented by fasting and corporal correction.
	68. Dealing in Books, Pictures, or Prints, which represent indecent actions.	Imprisonment, from one day to one month.

	Crimes.	Punishments.
Civil Offences.	69. Difguiling in marks, and obtaining admiffion into focieties, and fecret fraternities not counfel to the Magiftrate.	The fame.
	70. Harbouring in dwellings perfons not known to have an honeft means of living.	The fame.
	71. Banifhed perfons, from the whole of the Auftrian Dominions,—returning, &c.	Corporal correction, to be doubled at each fucceffive return; and the offender to be banifhed from the Hereditary Dominions.

In contemplating the various component parts of this Code, it is eafy to difcover that although fome features of it may be worthy of imitation, upon the whole it is not fuited either to the conftitution of this country, or the genius of the people. It is, however, a curious and intereſting document, from which conſiderable information may be drawn; if ever that period ſhall arrive when a reviſion of our own criminal Code (in many reſpects more excellent than this) ſhall become an object of conſideration with the Legiſlature.—At all events it ſtrongly evinces the neceſſity of adapting the laws to the circumſtances and ſituation of the Government and People whoſe vices are to be reſtrained.

The total abolition of the Puniſhment of death (excepting in military offences cognizable by Courts Martial) is a very prominent feature in this Code, which appears to have been founded in a great meaſure on the principles laid down by the Marquis Beccaria, in his Eſſay on Crimes and Puniſhments; That able writer, already ſo frequently quoted, eſtabliſhes it as a maxim, which indeed will ſcarcely be controverted, "That the ſeverity of Puniſhment ſhould juſt "be ſufficient to excite compaſſion in the ſpectators, "as it is intended more for them than the criminal. "—A puniſhment, to be juſt, ſhould have only that "degree of ſeverity which is ſufficient to deter others, "and no more."—This author further aſſerts,—

" That perpetual labour has in it all that is neceſſary " to deter the moſt hardened and determined, as " much as the puniſhment of death, *where every ex-* " *ample ſuppoſes a new crime*:—perpetual labour on " the other hand, affords a frequent and laſting ex- " ample."*

Doubtleſs, the fundamental principle of good legiſlation is, rather to prevent crimes than to puniſh.—If a mathematical expreſſion may be applied to the good and evil of human life, it is the art of conducting men to the *maximum* of happineſs and the *minimum* of miſery.

But in ſpite of all the efforts of human wiſdom, aided by the lights of philoſophy, and freed from the miſt of prejudice or the bigotry of darker ages;—In ſpite of the beſt laws, and the moſt correct ſyſtem of police which the moſt enlightened Legiſlature can form; it will not be altogether poſſible, amid the various oppoſite attractions of pleaſure and pain, to reduce the tumultuous activity of mankind to abſolute regularity:—We can only hope for a conſiderable reduction of the evils that exiſt. To conclude this Chapter with the words of our favourite Beccaria,—*Let the laws be clear and ſimple,—let the entire force of the Nation be united in their defence; let the laws be feared, and the laws only.*

* The puniſhment of death is not authoriſed by any right.—If ſo, how ſhall we reconcile the maxim, that a man has no right to kill himſelf.

The puniſhment of death is a war of a whole nation againſt a citizen, whoſe deſtruction is conſidered as neceſſary or uſeful to the public good.—If I can demonſtrate that it is neither neceſſary nor uſeful, I ſhall have gained the cauſe of humanity.—If the experience of all ages be not ſufficient to prove that the puniſhment of death has never prevented determined men from injuring ſociety—if the example of the Romans—if twenty years reign of Elizabeth, Empreſs of Ruſſia, be not ſufficient, let us conſult human nature in proof of my aſſertion.

The death of a criminal is a terrible, but momentary ſpectacle; and therefore a leſs efficacious method of deterring others, than the continued example of a man deprived of his liberty, and condemned to repair, by his labour, the injury done to ſociety. A condition ſo miſerable is a much more powerful preventive than the fear of death, which men always behold in diſtant obſcurity.

CHAP. XIII.

On punishments.—The mode authorized by the ancient laws.—The period when transportation commenced.—The principal crimes enumerated which are punishable by Death.—Those punishable by transportation and Imprisonment.—The Courts appointed to try different degrees of Crimes.—Sanguinary punishments, extending to so many offences of an inferior nature, defeat the ends of justice.—The system of pardons examined:—their evil tendency.—New regulations suggested with regard to Pardons and Executions.—An historical account of the rise and progress of Transportation.—The expedients resorted to, after the American War put a stop to that mode of punishment.—The system of the Hulks then adopted.—Salutary Laws also made for the erection of Provincial and National Penitentiary Houses.—The nature and principle of these laws briefly explained.—An account of the Convicts confined in the Hulks for nineteen years.—The expence and produce of their labour.—An improved method of employing Convicts on public works explained.—Also in the naval arsenals.—The system of transportation to New South Wales examined.—The enormous expence of this mode of punishment.—Improvements suggested, calculated to reduce the expence in future.—The erection of Penitentiary Houses recommended.—A mode suggested of selecting Convicts for different situations, so as to make their labour in all cases productive.—Reasons offered why these various Suggestions, with regard to the punishment of Offenders, would operate powerfully in diminishing their number, and in preventing future Crimes.

IMPERFECT in many respects as the criminal Law appears, from what has been detailed and stated in the

preceding Chapter : and much as the great increaſe of capital Offences, created during the laſt and preſent Century, is to be lamented :—it cannot be denied that ſeveral changes have taken place in the progreſs of Society ; favourable to the cauſe of humanity, and more conſonant to reaſon and juſtice, in the appropriation and the mode of inflicting puniſhments.

The benefit of Clergy, which for a long period exempted clerical people only, from the puniſhment of death in caſes of felony, was by ſeveral ſtatutes* extended to *peers*, *women*, and all perſons *able to read*; who, pleading their Clergy, ſuffered only a corporal puniſhment, or a year's impriſonment ; and thoſe men who *could not read*, if under the degree of peerage, were hanged.†

This unaccountable and cruel diſtinction was actually not removed until the 5th of Queen Anne, cap. 6, which extended the benefit of clergy to all who were entitled to aſk it, *whether they could read or not.*

In the courſe of the preſent century, ſeveral of the old ſanguinary modes of puniſhment have been either, very properly, aboliſhed by acts of parliament, or allowed, to the honour of humanity, to fall into diſuſe :—ſuch as *burning alive*, (*particularly women*) *cutting off hands or ears*, *ſlitting noſtrils*, *or branding in the hand or face* ; and among leſſer puniſhments, fallen into diſuſe, may be mentioned *the ducking-ſtool.*

The puniſhment of death for felony (as has already been obſerved) has exiſted ſince the reign of Henry I. nearly 700 years.—Tranſportation was firſt introduced, anno 1718, by the Act of the 4th George I. cap. 11, and afterwards of the 6th George I. c. 23, which allowed the Court a diſcretionary power to order felons who were by law entitled to their clergy,

* 1 Edward VI. cap. 12 ; 21 Jac. I. cap. 6 : 3 and 4 William and Mary, cap. 9 : 4 and 5 William and Mary, cap. 24.

† Blackſtone.

to be tranſported to the American plantations for ſeven years.

Since that period, the mode of puniſhment has undergone ſeveral other alterations, and many Crimes, which were formerly conſidered of an inferior rank, have been rendered capital; which will be beſt elucidated by the following Catalogue of Offences, divided into three claſſes, according to the laws now in force.

1. *Crimes puniſhable by the Deprivation of life: and where, upon the Conviction of the Offenders, the ſentence of Death muſt be pronounced by the Judge.—Of theſe it has been repeatedly ſtated the number is about* 160.

The principal are the following.

Treaſon, and Petty Treaſon; *See page* 189. &c. under the former of which is included the Offence of Counterfeiting the Gold and Silver Coin, *See page* 93—101.

Murder, *See page* 192, &c.

Arſon, or wilfully and maliciouſly burning a Houſe, Barns with Corn, &c. *See page* 202.

Rape, or the forcible violation of chaſtity, &c. *See page* 195.

Stealing an Heireſs, *See page* 195.

Sodomy, a crime againſt nature, committed either with man or beaſt; *See page* 195.

Piracy, or robbing Ships and Veſſels at ſea: under which is included, the Offence of Sailors forcibly hindering their Captains from fighting, *See page* 202.

Forgery of Deeds, Bonds, Bills, Notes, Public Securities &c. &c. Clerks of the Bank embezzling Notes, altering Dividend Warrants: Paper Makers, unauthoriſed, uſing moulds for Notes, &c.

Deſtroying Ships, or ſetting them on Fire.

Bankrupts not ſurrendering, or concealing their Effects.

Burglary, or Houſe Breaking in the night time, *See page* 203.

Highway Robbery.

Houſe Breaking in the day time, *See page* 201, 202.

Privately Stealing, or Picking Pockets above One Shilling.

Shop Lifting above Five Shillings, *See page* 201, 202.
Stealing Bonds, Bills, or Bank Notes.
Stealing Bank Notes, or Bills from Letters.
Stealing above 40s. in any Houſe. *See page* 202.
Stealing above 40s. on a River.
Stealing Linen, &c. from Bleaching Grounds, &c. or deſtroying Linen therein.
Maiming or Killing Cattle maliciouſly, *See* the Black Act, 9 Geo. I. cap. 22.
Stealing Horſes. Cattle, or Sheep.
Shooting at a Revenue Officer; or at any other perſon, *See* the Black Act.
Pulling down Houſes, Churches, &c.
Breaking down the head of a Fiſh Pond, whereby Fiſh may be loſt, (Black Act)
Cutting down Trees in an Avenue, Garden, &c.
Cutting down River or Sea Banks
Cutting Hop Binds
Setting fire to Coal mines
Taking Reward for helping another to Stolen Goods, in certain caſes, *See page* 138.
Returning from Tranſportation; or being at large in the Kingdom after Sentence
Stabbing a Perſon unarmed, or not having a weapon drawn, if he die in ſix months
Concealing the Death of a Baſtard Child
Maliciouſly maiming or diſfiguring any perſon, &c. lying in wait for the purpoſe, *See page* 198
Sending Threatening Letters (Black Act)
Riots by twelve or more, and not diſperſing in an hour after proclamation
Being acceſſaries to Felonies deemed capital
Stealing Woollen Cloth from Tenter Grounds
Stealing from a Ship in Diſtreſs
Government Stores, embezzling, burning or deſtroying in Dock-Yards; in certain caſes
Challenging Jurors above 20 in capital felonies; or ſtanding mute
Cottons, felling with forged Stamps
Deer-Stealing, ſecond offence; or even firſt offence under the Black Act, not uſually enforced
Uttering counterfeit Money, third offence
Priſoners under Inſolvent Acts guilty of perjury

Deſtroying Silk or Velvet in the loom; or the Tools for manufacturing thereof: or deſtroying Woollen Goods, Racks or Tools, or entering a Houſe for that purpoſe
Servants purloining their Maſter's Goods, value 40s.
Perſonating Bail: or acknowledging fines or judgments in another's name
Eſcape by breaking Priſon, in certain caſes
Attempting to kill Privy Counſellors, &c.
Sacrilege
Smuggling by perſons armed; or aſſembling armed for that purpoſe
Robbery of the Mail
Deſtroying Turnpikes or Bridges, Gates, Weighing Engines, Locks, Sluices, Engines for Draining Marſhes, &c.
Mutiny, Deſertion, &c. by the Martial and Statute Law
Soldiers or Sailors enliſting into Foreign Service.

2. *Crimes denominated Single Felonies, puniſhable by Tranſportation, Whipping, Impriſonment, the Pillory, and Hard labour in Houſes of Correction, according to the Nature of the Offence.*

The principal of which are the following.

Grand Larceny, which comprehends every ſpecies of Theft above the value of One Shilling, not otherwiſe diſtinguiſhed
Receiving or buying Stolen Goods, Jewels and Plates, *See page* 141
Ripping and ſtealing Lead, Iron, Copper, &c. or buying or receiving, *See page* 138
Stealing (or receiving when ſtolen) Ore from Black Lead Mines
Stealing from Furniſhed Lodgings
Setting fire to Underwood
Stealing Letters, or deſtroying a Letter or Packet, or advancing the Poſtage and ſecreting the Money
Ebezzling Naval Stores in certain caſes
Petty Larcenies, or Thefts under One Shilling
Aſſaulting with intent to Rob
Aliens returning after being ordered out of the kingdom

Stealing Fiſh from a Pond or River—Fiſhing in incloſed Ponds, and buying ſtolen Fiſh
Stealing Roots, Trees, or Plants, of the value of 5s. or deſtroying them
Stealing Children with their Apparel
Bigamy, or Marrying more Wives or Huſbands than one (now puniſhable by tranſportation)
Aſſaulting and Cutting, or Burning Clothes
Coin—Counterfeiting the Copper Coin, &c.—*See page*—93, 101.
Marriage, ſolemnizing clandeſtinely
Manſlaughter, or Killing another without Malice. &c. *See page* 194
Cutting or Stealing Timber, Trees, &c. &c. &c.
Stealing a Shroud out of a Grave
Watermen carrying too many paſſengers in the Thames, if any drowned.

3. *Offences denominated Miſdemeanors, puniſhable by Fine, Impriſonment, Whipping, and the Pillory.*

The principal of which are the following.

Perjury, or taking a falſe Oath in a judicial proceeding, &c.
Frauds, by Cheating, Swindling contrary to the rules of common honeſty, &c. &c.
Conſpiracies for the purpoſe of injuring or defrauding others
Aſſaults by ſtriking or beating another perſon, &c.
Stealing Dead Bodies
Stealing Cabbages, Turnips, &c. growing
Cutting and ſtealing Wood and Trees
Robbing Orchards and Gardens
Stealing Deer from Foreſts
Stealing Dogs
Setting Fire to a Houſe to defraud the Inſurance Office
Making and Selling Fire Works and Squibs
Throwing the ſame when on fire about the ſtreets
Uttering Baſe Money
Selling Baſe Money under its denominated value
Embezzlements in the Woollen, Silk, and other Manufactures
Artificers and Servants in various Trades committing Offences

Combinations and Conſpiracies for raiſing the price of Wages
Smuggling Run Goods, and other Frauds relative to the Exciſe and Cuſtoms
Keepers of Bawdy Houſes and other Diſorderly Houſes

Idle and diſorderly perſons *deſcribed by the Act of the 17th Geo. II. cap. 5, and ſubſequent Acts*, puniſhable with one Month's Impriſonment—*namely*—

1. Perſons threatening to run away and leave their wives and children on the Pariſh
2. Perſons who tipple in Ale Houſes, and neglect their Families, &c. as deſcribed in the 32d Geo. III. cap. 45
3. Perſons who ſhall unlawfully return to the Pariſh or place from which they have been legally removed, without bringing a Certificate
4. Perſons, who not having where withal to maintain themſelves, live idly without employment, and refuſe to work for the uſual Wages
5. Perſons begging in the ſtreets, highways, &c.

Rogues and Vagabonds *deſcribed by the ſaid Act of the 17th Geo. II. cap. 5, and ſubſequent Acts*, puniſhable by Six months Impriſonment—*namely*—

1. Perſons going about as Patent Gatherers, or Gatherers of Alms, under pretence of Loſs by Fire, or other caſualty
2. Fencers, Bearwards, Strolling Players of Interludes, or other Entertainments
3. Minſtrels, (except thoſe licenſed by the Lord Dutton in Cheſhire)
4. Perſons pretending to be, and wandering in the habit of, Gypſeys
5. Fortune Tellers, pretending Skill in Phyſiognomy, Palmiſtry, &c. or uſing any ſubtle craft to deceive and impoſe on others
6. Perſons playing or betting at any unlawful Games or Plays
7. Perſons who run away, and leave their Wives and Children upon the Pariſh

8. Petty Chapmen and Pedlars wandering abroad without a Licence
9. Perſons wandering abroad, and lodging in Ale Houſes, Out Houſes, or the open Air, and not giving a good account of themſelves
10. Perſons wandering abroad, and pretending to be Soldiers or Sailors, without proper Certificates from their Officers, or Teſtimonials from Magiſtrates
11. Perſons wandering abroad, pretending to go to work in Harveſt, without a proper Certificate from the Pariſh
12. Perſons having Implements of Houſe-breaking or Offenſive Weapons, with a Felonious Intent
13. Perſons concerned in illegal Lottery Tranſactions, as deſcribed in the Lottery Acts, 27th, 33d, 34th, and 35th Geo. III.

Incorrigible Rogues are thus deſcribed, *puniſhable with Two Years' Impriſonment and Whipping, or Tranſportation for Seven Years, if they break out of Priſon*, —namely—

1. Perſons ſtiled End-Gatherers, buying, collecting, or receiving Ends of Yarn in the Woollen Branch, againſt the ſtat. 13th Geo. 1. cap. 23.
2. Perſons, who being Rogues and Vagabonds, have eſcaped, after being apprehended, or who ſhall refuſe to be examined by a Magiſtrate, or who ſhall give a falſe account of themſelves after being warned of their puniſhment
3. Perſons who ſhall eſcape out of any Houſe of Correction before the period of their Impriſonment expires
4. Perſons, who being once puniſhed as rogues and vagabonds, ſhall again commit the ſame Offence.

☞ *There are a great many other trivial Offences denominated Miſdemeanors, ſubject to pecuniary Fines, which it is not neceſſary at preſent to enumerate.*

The Crimes mentioned in the firſt and ſecond claſſes of the foregoing enumeration (except petty larceny) are always tried by the Superior Courts:—The offences ſpecified in the third claſs, as alſo petty

larceny, and every ſpecies of miſdemeanor and vagrancy, are generally tried, (with ſome few exceptions) by the Juſtices in their General and Quarter Seſſions, where in certain caſes in Middleſex, they act under a commiſſion of Oyer and Terminer.—The Magiſtrates in Petty Seſſions, and in ſeveral inſtances a *ſingle Magiſtrate*, have alſo power of convicting, in a ſummary way, for a variety of ſmall miſdemeanors, and acts of vagrancy, and of puniſhing the delinquents with fine and impriſonment.

It generally happens in the metropolis, that out of 2000 to 2500 priſoners who are tried for different crimes, in the various courts of Juſtice, above 5-6th parts are for larcenies, acts of vagrancy, and ſmaller offences; where the benefit of clergy either attaches, or does not apply at all.—The major part, are of courſe, returned upon ſociety, after a ſhort impriſonment, or ſome corporal puniſhment, too frequently to renew their depredations on the public.—But a vaſt proportion (as has already been ſhewn) are always acquitted.*

In order to form a judgment of the proportion of the more atrocious offenders tried at the Old Bailey; the number acquitted; and the ſpecific puniſhments inflicted on the different offences in caſe of conviction, one year has been ſelected; a year in which it was natural to expect from the immenſe, and indeed, unparallelled bounties which were given for ſeamen and ſoldiers, that the number of

* All endeavours towards the prevention of crimes will ever be attended with unconquerable difficulty, until ſome general Houſe of Induſtry can be eſtabliſhed in the Metropolis; where perſons diſcharged for petty offences, as well as ſtrangers, and others out of work, may have an opportunity of finding, at leaſt a temporary employment ſufficient to maintain them;—an Inſtitution of this ſort would be a work of great charity and humanity; and it is earneſtly to be hoped, that the view of the ſubject given in this Work may induce men of opulence and philanthrophy to ſet on foot an eſtabliſhment calculated to promote ſuch a multitude of good and uſeful objects*; more eſpecially as with proper management it would very ſoon pay itſelf.

* Vide Chap. V. page 92 & the Note.

thieves and criminals would be greatly reduced,—namely—*from the month of April* 1793, *to the month of April*, 1794,—including eight ſeſſions at the Old Bailey:—The following Table ſhews in what manner 1060 priſoners, put on their trials during that period, were diſpoſed of.

A Table ſhewing the Priſoners tried at the Old Bailey, from April, 1793, to March 1794 inclusive.

London, Middleſex, and Weſtminſter.	Perſons committed for trial.	of whom acquitted & diſcharged.	Priſoners convicted, and their Puniſhments.								
			Death.	Tranſportation for 14 years.	Tranſportation for ſeven years.	Whipt & impriſoned.	Impriſoned ſix months & upwards.	Impriſoned 3 months & otherwiſe diſpoſed of.	Sent to ſerve the King.	Judgment reſpited.	Total puniſhed.
London Seſſions	199	70	6	1	50	10	29	20	8	5	129
Middleſex & Weſtminſter.	861	497	62	1	117	38	51	49	30	16	364
	1060	*567	68	2	167	48	80	69	38	21	493

* The acquittals will generally be found to attach moſtly to ſmall offences which are puniſhable with death: where Juries do not conſider the crime deſerving ſo ſevere a puniſhment, the delinquent receives no puniſhment at all. If all were convicted who were really guilty of theſe ſmall offences, the number of victims to the ſeverity of the Law would be greatly increaſed.

Thus it appears, that in one year, out of 1060 prisoners, only 493 were punished; of whom, 197 after a temporary confinement, would return upon the public, with little prospect of being better disposed to be useful to society, than before.

But this is not all,—for according to the present system, out of about *one hundred* who are, upon an average every year, doomed to suffer the punishment of death, *four fifths* or more are generally pardoned* either on condition of being transported, or of going into His Majesty's service, and not seldom without any condition at all.

Hence it is, that calculating on all the different chances, encouragements to commit crimes actually arise out of the system intended for their prevention, *first, from the hope of avoiding detection and apprehension; second, of escaping conviction, from the means used to vitiate and suborn the evidence; third, from the mercy of the jury, in considering the punishment too severe;—and fourth, from the interest of persons of rank or consideration, applying (under circumstances where humanity becomes the friend of every person doomed to die,) for the interference of Royal mercy, by Pardons.*

God forbid that the Author of these pages should do so much violence to his own feelings, as to convey an idea hostile to the extension of that amiable prerogative vested in The Sovereign; and which His Majesty has exercised with a benevolent regard to the feelings of humanity, and a merciful disposition truly characteristic of the mind of a great and good King.

These animadversions are by no means pointed against the exercise of a privilege so benign, and even so necessary, in the present state of the criminal law;

* As punishments became more mild, clemency and pardons became less necessary.—Clemency is a virtue that ought to shine in the code, and not in the private judgment.—The prince in pardoning gives up the public security in favour of an individual, and by the exercise of this species of benevolence pro luins a public act of impunity.—Let the Executors of the laws be inexorable: but let the Legislature be tender, indulgent and humane.

BECCARIA, cap. 46.

They regard only the impoſitions which have been practiſed upon ſo many well-intentioned, reſpectable, and amiable characters, who have, from motives of humanity, intereſted themſelves in obtaining *free pardons*, *for Convicts*, or *pardons on condition of going into the army or navy*.*

If theſe humane individuals, who intereſt themſelves in applications of this ſort, were to be made acquainted with one half of the groſs impoſitions practiſed upon their credulity, or of the extent of the evil conſequences ariſing to ſociety from ſuch pardons, they would ſhudder at the extent of the cruelty exerciſed towards the public, and even, in many inſtances, to the convicts themſelves, by this falſe humanity.

In a country where, from the great caution and humanity which mingles in that part of the criminal juriſprudence which relates to the trial of offenders, it is ſcarcely poſſible that an honeſt or an innocent perſon can be convicted of a capital offence†. It would ſeem to be a good criterion, that the Royal mercy ſhould only be extended on two indiſpenſable conditions.

1. *That the Convict under ſentence of death ſhould, for the ſake of public juſtice, (and to deter others from the commiſſion of crimes) diſcover all his accomplices, and the robberies or other crimes he has committed.*

2. *That he ſhould be tranſported; or make retribution to the parties he has injured by being kept at hard labour for life; or until ample ſecurity ſhall be given for good behaviour, after ſuch retribution is made.*

* See Introduction page 19—21.

† It is not here meant to ſay there have not been ſome inſtances, and even one of a very recent date, where an innocent man may be convicted; but they are certainly very rare, and when diſcovered, the Royal mercy, of courſe relieves the unfortunate perſon.

The precaution not having been uſed of knowing *for certain*, before pardons* were granted, whether the parties were fit for his His Majeſty's ſervice or not; the convicts themſelves carefully concealing every kind of bodily infirmity; and the pardons containing no eventual condition of ultimate tranſportation, in caſe the perſons ſhould be found unfit for the army or navy; the reſult has been, that many convicts, who are now actually thieves upon the town, were almoſt inſtantly thrown back upon the public. Some, even before they were atteſted, in conſequence of the diſcovery of bodily incapacity, and others, in a very ſhort time after they had gone into the navy or army, from the like unfitneſs being diſcovered; from ſome artful device practiſed to procure a diſcharge—or from deſertion. A profeſſed thief is never deficient in that ſpecies of artifice and reſource which is neceſſary to rid him of any incumbrance.

This, however, is ſeldom taken into the calculation when humanity urges philanthropic characters to intereſt themſelves in behalf of criminals: nor could it perhaps otherwiſe have been known, or believed, that ſo many of theſe outcaſts of ſociety have found means again to mingle with the maſs of the people.

What impreſſion muſt theſe facts make on the intelligent mind?—Will they warrant the following concluſions?

* Pardons granted from Auguſt, 1792, to June 1794.

Free pardons - - -		54
Conditionally pardoned, partly for tranſportation, and partly for the army, - -		696
Sentences remitted, - -		72
Pardons from December Seſſions, 1794, to October Seſſions, 1795.		
Free pardons, - - -	12	
Pardoned on condition of ſerving the King	129	
Judgment reſpited on the ſame condition,	39	
		168
Aggregate Total 1002 pardoned.		

1. That every individual, reſtored to ſociety in this way, is the means of affording a ſpecies of encouragement peculiarly calculated to bring others into the ſame dreadful ſituation, from which the unhappy Convict is thus reſcued.
2. That for this reaſon every pardon granted, without ſome leſſer puniſhment, or removing the convicts from ſociety, is a link broken in the chain of juſtice, by annihilating that united ſtrength which binds the whole together,
3. That by removing the terror of puniſhments by frequent pardons, the deſign of the law is rendered in a great meaſure ineffectual; the lives of perſons *executed* are thrown away, and ſacrificed, rather to the vengeance of the law than to the good of the public; and no other advantage is received than by getting rid of one thief, whoſe place, (under preſent circumſtances,) will ſpeedily be ſupplied by another.*

Nothing can ſanction the puniſhment of death for crimes ſhort of murder, *but the terror of the example operating as a means of prevention.*—It is upon this principle alone that one man is ſacrificed to the preſervation of thouſands.—Executions therefore, being exhibited as ſeldom as a regard to the public intereſt really required, ought to be rendered as *terrific* and *ſolemn* to the eyes of the people as poſſible.

The puniſhment now in uſe, conſidered in point of law to be next to that of deprivation of life, is *Tranſportation.*

It has been already mentioned that Parliament authoriſed this ſpecies of puniſhment in the year 1718, —when convicts were firſt ordered to be ſent to the American plantations.—This ſyſtem continued for 56 years; during which period, and until the commencement of the American war, in 1775, great numbers

* That able and excellent Magiſtrate, the late Henry Fielding, eſq. (to whoſe zeal and exertions in the exerciſe of the duties of a Juſtice of the Peace, in the Metropolis, the public were under infinite obligations)—manifeſted, half a century ago, how much he was impreſſed with the injuries ariſing from frequent pardons.—Thoſe who will contemplate the character and conduct of this valuable man, as well as that of his brother the late ſir John Fielding, will ſincerely lament that their excellent ideas, and accurate and extenſive knowledge upon every ſubject connected with the Police of the Metropolis, and of the means of preventing crimes were not rendered more uſeful to the public. It is to be hoped however, that it is not even yet too late.

of felons were ſent chiefly to the province of Maryland.—The rigid diſcipline which the colonial laws authoriſed the maſters* to exerciſe over ſervants, joined to the proſpect which agricultural purſuits, after ſome experience was acquired, held out to theſe *outcaſts*, tended to reform the chief part; and after the expiration of their ſervitude, they mingled in the ſociety of the country, under circumſtances highly beneficial to themſelves and even to the colony. Poſſeſſed in general (as every adroit thief muſt be) of good natural abilities, they availed themſelves of the habits of induſtry they acquired in the years of their ſervitude—became farmers and planters on their own account; and many of them, ſucceeding in theſe purſuits, not only acquired that degree of reſpectability which is attached to property and induſtry; but alſo in their turn became maſters, and purchaſed the ſervitude of future tranſports ſent out for ſale.†

The convicts having accumulated greatly in the year 1776, and the intercourſe with America being ſhut up, it became indiſpenſably neceſſary to reſort to ſome other expedient; and in the choice of difficulties the ſyſtem of the *Hulks* was ſuggeſted and firſt adopted under the authority of the Act of the 16th of his preſent Majeſty.

The Legiſlature, uncertain with regard to the ſucceſs of this new ſpecies of puniſhment, and wiſhing to make other experiments, an act of the ſame ſeſſion‡ empowered the Juſtices of every county in England to prepare houſes of correction for the reception

*By the Acts 4 George I. c. 11, and 6 George I. c. 23, the perſons contracting for the tranſportation of convicts to the colonies, or their aſſigns, had an intereſt in the ſervice of each, for ſeven or fourteen years, according to the term of tranſportation.

† For ſome years previous to the commencement of the American war the adjudged ſervices of convicts became ſo valuable in Maryland, that contracts were made to convey them without any expence whatſoever to Government, who had formerly allowed 5l. a head: For the reaſons already aſſigned, they generally were more adroit and had better abilities than thoſe who voluntarily engaged themſelves to go to America.

‡ 16 George III. cap. 43, ſect. 1ſt, 3d, and 11th.

of convicts under ſentence of death, to whom his Majeſty ſhould extend his Royal mercy, to be kept at hard labour for a term not exceedings ten years.

The ſame act, among many other excellent regulations, ordered the convicts to be kept ſeparate, and not allowed to mix with any offenders convicted of crimes leſs than larceny—and alſo that they ſhould be fed with coarſe inferior food, water, and ſmall beer, without permiſſion to have any other food, drink, or cloathing, under certain penalties :—they were alſo to be clothed at the public expence.

And as an encouragement to theſe delinquents, while ſuch as refuſed to work were to receive corporal puniſhment, thoſe who behaved well had not only the proſpect held out of ſhortening the period of their confinement, but alſo were to receive decent clothes, and a ſum of money not leſs than *forty ſhillings*, nor more than *five pounds* when diſcharged.

This very ſalutary act was followed up three years afterwards by another ſtatute, (19 George III. cap 74) which had two very important objects in view.

The firſt was to erect, in ſome convenient common or waſte ground, in either of the counties of *Middleſex*, *Eſſex*, *Kent*, or *Surry*, *two large Penitentiary Houſes*, the one to hold 600 *male*, and the other 300 *female convicts*, with proper *ſtorehouſes*, *workhouſes*, and *lodging rooms*; *an infirmary*, *chapel*, and *burying ground*—*a priſon*, *kitchen-garden*, and *airing grounds*, with proper *offices*, and other *neceſſary apartments*.

The expence of theſe grounds and erections was to be paid out of the Treaſury, and his majeſty, was empowered to appoint three perſons as a Committee of management for regulating the eſtabliſhment; under the controul of the Juſtices of the Peace of the county, and Judges of Aſſize, with power to appoint a *clerk*, *governor*, *chaplain*, *ſurgeon or apothecary*, *ſtore keepers*, *and taſk-maſters*; and alſo a *matron* for the fe-

males—and to allow ſalaries to each, which were to be paid out of the profits of the work, to be performed by the convicts.

As ſoon as the buildings ſhould be completed, the Court, before whom any perſon was convicted for a tranſportable offence, might, in lieu thereof, order the priſoner to be puniſhed by confinement, in any of the Penitentiary Houſes, there to be kept at hard labour in the proportion of 5 *years* inſtead of 7 *years*, *tranſportation*, and not exceeding 7 *years* in lieu of 14 *years' tranſportation*—limiting at the ſame time the number of convicts to be ſent annually from the circuits in the country, and from the different ſeſſions in the metropolis.

This act lays down various ſpecific rules for the government of the eſtabliſhment, and for the employment of the priſoners; and the following works, as being of the moſt ſervile kind, and leaſt liable to be ſpoiled by ignorance, neglect, or obſtinacy, are ſelected, namely—

1. Treading in a wheel for moving machinery
2. Drawing in a capſtan, for turning a mill or engine
3. Sawing ſtone
4. Poliſhing marble
5. Beating hemp
6. Raſping logwood
7. Chopping rags
8. Making cordage
9. Picking oakum
10. Weaving ſacks
11. Knittings,

&c. &c.

The food of the different offenders, as in the former act, is limited to bread and any coarſe meat, with water and ſmall beer; and the priſoners were to be clothed in uniform apparel, with badges affixed, agreeable to the inſtitution.

Certain other rules were eſtabliſhed for the diſcipline of the houſe, under the direction of the Committee to be appointed by his Majeſty; who were to attend every fortnight, and to have power to reward

ſuch offenders as ſhould appear moſt diligent and meritorious, by giving them a part of their earnings to be applied for the uſe of themſelves and families.

And when an offender ſhould be diſcharged, decent clothing was to be delivered to him; with a ſum of money for preſent ſubſiſtence, not leſs than *twenty ſhillings* nor more than *three pounds*.

The ſecond purpoſe of this act (and which is the only part of it which was ever carried into effect) regards *the continuation of the ſyſtem of the Hulks*.

It declares that for the more effectual puniſhment of atrocious male offenders liable to be tranſported, the Court may order ſuch convicts as are of proper age, and free from bodily infirmity, to be puniſhed by being kept on board ſhips or veſſels; and employed in hard labour in raiſing ſand, ſoil, and gravel, and cleanſing the River Thames, or any other river, or port, approved of by the Privy Council; or in any other works upon the banks or ſhores of the ſame, under the direction of ſuperintendants approved of by the Juſtices, for a term not leſs than *one* year, nor more than *five*; except any offender be liable to tranſportation for 14 years, in which caſe his puniſhment may be commuted for 7 years on board the Hulks.

The mode of feeding is the ſame as already explained, and the clothing is to be at the diſcretion of the ſuperintendant. A ſimilar diſcipline, varied only by local circumſtances, was alſo eſtabliſhed—and on the diſcharge of any of the convicts, they were to receive for preſent ſubſiſtence from 20s. to 3l. according to circumſtances.

The concluding part of the act obliges the governors and ſuperintendants of the two eſtabliſhments to make annual returns to the Court of King's Bench, and alſo authoriſes his Majeſty *to appoint an inſpector of the two Penitentiary Houſes—of the ſeveral veſſels or Hulks on the river Thames, and of all the other gaols and places of criminal confinement within the city of London*.

and county of Middlesex; these Inspectors are personally to visit every such place of confinement at least once a quarter, to examine into the particulars of each, and to make a return to the Court of King's Bench, of the *state of the buildings—the conduct of the officers—treatment of the prisoners—state of their earnings and expences*—and to follow up this by a report to both Houses of Parliament, at the beginning of each Session.*

It is much to be lamented that neither of these two salutary acts, so far as regarded *Penitentiary Houses*, which seemed to hold out so fair a prospect of employing convicts, in pursuits connected with *productive labour*, *industry*, and ultimate *reformation*, without sending them out of the kingdom, have been carried effectually into execution; for in the year 1784, the system of transportation was again revived, by the act of the 24th Geo. III. stat. 2, cap. 56; "which empowers the Court, before whom a male felon shall be convicted, to order the prisoner to be transported beyond seas, either within His Majesty's dominions or elsewhere; and his service to be assigned to the contractor who shall undertake such transportation."

The same act continues the system of the Hulks for a further length of time; by directing the removal of convicts, under sentence of death, and reprieved by his Majesty, and also such as are under sentence of transportation (being free from infectious disorders) to other places of confinement, either inland, or on board of any ship or vessel in the river Thames, or any other navigable river; and to continue them so confined until transported according to law, or until the expiration of the term of the sentence should otherwise entitle them to their liberty.

* The very useful system of inspection here alluded to, does not appear to have been at least *generally* followed up;—if properly executed, the probable benefits to the public would unquestionably result from it.

This plan of tranſportation, through the medium of contractors, (although ſome felons were ſent to Africa) does not appear to have anſwered; from the great difficulty of finding any ſituation, ſince the Revolution in America, where the ſervice of convicts could be rendered productive or profitable to merchants, who would undertake to tranſport them: and hence aroſe the idea of making an eſtabliſhment for theſe outcaſts of ſociety in the infant colony of New South Wales, to which remote region it was at length determined to tranſport atrocious offenders. Accordingly, in the year 1787, an act paſſed, (27 Geo. III. cap. 2.) authorizing the eſtabliſhment of a Court of Judicature for the trial of offenders who ſhould be tranſported to New South Wales.

Another act of the following year, (28 Geo. III. cap. 24.) empowered His Majeſty, under his Royal Sign Manual, to authorize any perſon to make contracts for the tranſportation of offenders, and to direct to whom ſecurity ſhould be given for the due performance of the contract.

Under theſe various legiſlative regulations, the two ſyſtems of puniſhment, namely, the *Hulks* and *Tranſportation* to New South Wales, have been authorized and carried into execution.

The ſyſtem of the Hulks commenced on the 12th day of July, in the year 1776,* and from that time until the 22th of December 1795, comprehending a period of nineteen years, 7999 convicts have been ordered to be puniſhed by hard labour on the river Thames, and Langſton and Portſmouth harbours, which are accounted for in the following manner.

1. Convicts ordered to hard labour on the River Thames, from the 12th of July 1776, to 12 January 1778 - -	2024
Carried over	2024

* In a financial view, the ſyſtem of the Hulks is entitled to very ſerious attention; from the year 1776 to 1789, £220,873 was expended in maintaining the Convicts on the Thames.

Sir John Sinclairs Hiſt. Revenue, Vol. II. page 89.

	Brought over	2024
2. Convicts, *under ſentence of tranſportation*, put on board the Hulks on the river Thames, from 11th January 1783, to 12th December 1795	4775	
3. *Deduct*, under ſentence of tranſportation, put on board the Hulks in Langſton and Portſmouth Harbours, received from the Hulks, at Woolwich, on the 20th of June 1791	466	
		4309
Additional Convicts ſent from different priſons to Portſmouth and Langſton from 1791, to 11th December 1795	1200	
To which add thoſe from Woolwich as above	466	
		1666
	Total	7999

Of the above convicts there have been

Diſcharged	1610	
Pardoned	790	
Eſcaped	130	
	2530	
Removed to other Gaols	17	
Tranſported to New South Wales	2207	
Died*	1946	
	6700	
And there remain in the Hulks on the Thames	523	
And at Langſton Harbour	776	
	1299	
Total as above		7999

The 1299 now on board the Hulks, will, according to their ſentance, be diſcharged in the following proportions :

From Woolwich	Conv.	Langſton Harbour	Conv.
Anno 1796	3	Anno 1796	15
1798	29	1797	7
1799	183	1798	79
1800	142	1799	200
1801	52	1800	150
1802	34	1801	120
1806	5	1802	106
1807	6		677
1808	2	For life	99
	456	Total	776
For life	67	At Woolwich	523
Total	523		1299

The Contractors for the convicts at Woolwich and Langſton Harbour, (as appears from documents

* A malignant fever, at one period, carried off a vaſt number, in ſpite of every effort to prevent it.

laid before the houſe of Commons) entered into an agreement with the Lords of the Treaſury, obliging themſelves for *the conſideration of* 1*s.* 3*d. per day*, (being £22 16*s.* 3d. a year *for each convict*,) to provide at their own coſt or charges, *one* or more *hulks*, to keep the ſame in proper repair, to provide proper ſhips' companies for the ſafe cuſtody of ſuch convicts; and ſufficient *meat*, *drink*, *clothing*, and *medical aſſiſtance*, for the convicts; as alſo to ſuſtain all other charges (excepting the expence of the *chaplain*, *coroner*, and bounties to diſcharged convicts:*) obeying, at the ſame time, all the orders of His Majeſty's principal Secretary of State for the Home Department, reſpecting the convicts

The terms of theſe laſt contracts appear to be as favourable for Government as could reaſonably be expected, under all circumſtances; and the advantages to the public are the more prominent, as it appears from the ſame documents laid before the houſe of Commons, that the labour performed by the convicts is productive, in a certain degree, *as the following ſtatement will ſhew*:

	£	s.
From the 1ſt January 1789 to the 1ſt January 1792, it appears that 653,432 days' work had been performed at Langſton Harbour, Portſmouth, and Woolwich Warren; which being eſtimated at 9d. a day, is — — —	24,503	14
and		
Carried over	24,503	14

* This expence, by an account laid before the Houſe of Commons, for one year, ending the 15th Feb. 1792, appears to be—

	£.	s.	d.
Expence of Chaplain, Coroner, and Bounties for Convicts at Woolwich - - - -	221	17	4
At Langſton and Portſmouth Harbours -	153	19	8
Total	£375	17	0

Brought over	24,503 14
From the 1st January 1789 to the 1st January 1792, it alſo appears that 260,440 days' works had been performed at the dock-yard at Woolwich; which, being partly performed by artificers in a more productive ſpecies of labour, is eſtimated at 1s. a day — —	13,022 0
Total value of Convicts' labour in 3 years*	37,525 14

From theſe ſtatements it appears, that the eſtimated labour of the convicts on board the Hulks, amount to about 3-5th parts of the actual expence incurred by their maintenance. While it is allowed that conſiderable improvements have been made with regard to the reduction of the expence; that proviſion has alſo been made for religious and moral inſtruction, by eſtabliſhed ſalaries to chaplains; and that the contractors have honourably performed their part of the undertaking; it is much to be lamented that this experiment has not been attended with more beneficial conſequences to the public; not only in rendering the labour of the convicts productive in a greater degree, ſo as at leaſt to be equal to the expence, but alſo in amending the morals of theſe our miſerable fellow-mortals; ſo that on their return to ſociety, they might, in ſome reſpect, atone for the errors of their former lives, by a courſe of honeſt induſtry, uſeful to themſelves and to their country. On the contrary, experience has ſhewn that many of them, inſtead of profiting by the puniſhment they have ſuffered (forgetting they were under the ſentence of death, and undiſmayed by the dangers they have eſcaped) immediately ruſh into the ſame courſe of depredation and warfare upon the public; nay, ſo hardened and determined in this reſpect have ſome of them been, as even to make propoſals to their old friends, the re-

* 500 Convicts were employed at Woolwich, and 510 at Langſton and Portſmouth, at the time their Accounts were made up; making in all 1100 Perſons.

ceivers, previous to the period of their diſcharge, to purchaſe their newly-acquired plunder. It has already been ſhewn, that thoſe few alſo who are leſs depraved, and perhaps diſpoſed to amend their conduct, can find no reſource for labour; and are thus too frequently compelled by dire neceſſity, to herd with their former aſſociates in iniquity.—See *page* 71, 72, and the note there, and *page* 241.

Reflecting on this ſyſtem of puniſhment taken in connection with the various facts already detailed in this Work, it ſeems not impracticable, by ſome improved arrangements, even to render the Hulks an uſeful eſtabliſhment, without the hazard of thoſe injuries to the public, which are at preſent experienced.

To effect this purpoſe, it muſt be laid down as an invariable principle, *that the labour muſt be ſuch as to cover every expence whatſoever*; and *that no convict*, guilty of death, ſhall be permitted to return *upon ſociety*, without ſecurity for good behaviour.

By ſelecting thoſe atrocious offenders, who have forfeited their lives without any claim to mercy, as the only convicts who ſhall ever be employed in the Hulks, and by adjudging them to ſerve in a courſe of hard labour during the whole of their lives, a more dreadful example* would be held out to their aſſociates in iniquity, than even the puniſhment of death itſelf: and little doubt can be entertained, that while theſe forlorn outcaſts might be rendered in ſome degree uſeful, their condition, and the dread of a ſimilar doom, would deter many others from the commiſſion of crimes.

Whoever ſhall, from habit or education, be able to mingle, in a diſcuſſion of this ſort, a general knowledge of the common affairs of life, with the information attached to the duty of a Magiſtrate, relative to this branch of the criminal juriſprudence of

* Vide Chap. XI. where this propoſition is fully elucidated and explained in pages 183—185; 201; 215

the country, will at once perceive, that there exiſts much more reſource for the profitable employment of convicts, than will occur to thoſe whoſe thoughts and purſuits have run in a different channel.

In every part of Great Britain, the labour of man has become extremely valuable. While the extenſive manufactures of the country occupy the more ingenious handicrafts, men are often, nay always, wanting for the more laborious occupations of *digging canals*, *removing earth for embankments*, *quarrying ſtones* of different kinds for *building* and *pavement*; working on the highways, at *alum works*, and in *raiſing ore* from the numerous *mines* in different parts of the country, where there is an inexhauſtible reſource for human labour.

It has been already obſerved in the courſe of this Work, (*and it is an obſervation that well deſerves attention*), "That it rarely happens *that an atrocious offender, or a profeſſed thief, is not an ingenius, clever man.*" He muſt be a man not only of reſource, but poſſeſſing that firmneſs of mind and courage, which, if uſefully and virtuouſly employed, would have raiſed him above the ſphere that many of this claſs appear to occupy in ſociety.

Why, therefore, ſhould not the public reap the benefit of this ingenuity in its fulleſt extent, as far as ſhall be conſiſtent with ſafe cuſtody?

While the labour of man is ſo valuable; while ſo many public and private undertakings are going on in this country, requiring this labour, it is worthy the moſt ſerious attention, that *in many inſtances*, the ſervice of convicts would be far ſuperior to that of the general run of labourers; from the certainty of having the labour performed in a given time, ariſing from the legal diſcipline and ſubordination, which muſt enter into the ſyſtem of controul and ſafe cuſtody; where neither the *alehouſe*, nor the *holiday rambles* will diſappoint the employers: as is at preſent

too frequently the caſe, on ſudden or important emergencies.

Upon a ſubject of this kind, of all others the moſt important to ſociety, it is not neceſſary to *hazard* vague or *uncertain ſpeculations*. To men of buſineſs, and men of the world, the reſource now ſuggeſted for the uſeful employment of convicts is *obvious* and *practicable* at firſt view. The labour of man carried to its fulleſt extent, where a body of people are collected together, may be eſtimated, at the preſent period, on an average, at 1s. 8d. a day, even in the coarſeſt and moſt ſervile employment; but if authority could be exerciſed, and unneceſſary interruptions of labour prevented, the average would be equal to *two ſhillings* at leaſt: and hence it may be fairly concluded, that to any contractor, who had the means of employing *able-bodied convicts*, their ſervices, while in health, would be worth about 30l. a year.

This will be more obvious, when it is taken into the calculation, that many of theſe unhappy people have been bred to uſeful mechanical employments, which might render their labour extremely productive; while others, by conſtant practice, in even the coarſeſt works, ſoon acquire a ſleight or facility in the execution, which enables them to double, and ſometimes to treble their earnings in the courſe of a year. This has been manifeſted, in innumerable inſtances, in removing earth, or making embankments for canals and inland navigations. A ſtranger to this ſpecies of labour, of the greateſt bodily ſtrength, cannot, at the outſet, earn near ſo much money as a perſon of not half the athletic powers, who has been accuſtomed to ſuch work.

The ſame reaſoning applies to every kind of labour; and therefore if convicts, deſtined to ſervile employments for life, are not at firſt able to earn the uſual wages, conſtant practice, aided by their own natural genius, will ſoon enable them to reach the

nè plus ultrà of human exertion; They would thus be rendered valuable acquiſitions to many enterpriſing and uſeful aſſociations in this kingdom; who would not only be able to give ample ſecurity for their ſafe cuſtody, but alſo for the due performance of every other covenant which might relate to the *preſervation of health* and to the *food*, *cloathing*, *hours of labour*, and *religious and moral inſtruction* of ſuch convicts: as well as for the allowance in money to be made to each, out of their earnings: For ſuch encouragement ſhould be held out, not only to ſoften the rigour of the puniſhment, in proportion to the good behaviour of the convict, but alſo to aſſiſt in the ſupport of the families of thoſe who have wives and children, or to make reſtitution to thoſe they have injured.

Let the experiment only be tried at firſt on a ſmall ſcale; and, if the Author of theſe pages is not much miſtaken, applications would be made by perſons of great reſpectability, and even premiums offered for an aſſignment of the ſervices of convicts under ſuch circumſtances: thus relieving the public from a very heavy annual expence, and rendering uſeful and productive to the country the labour of the moſt miſchievous part of the community: whoſe atonement in this manner for the injuries they have done to ſociety, by being more immediately under the eye of the public, would probably go further in preventing crimes (as has been already repeatedly urged) than even death itſelf, or any other mode of puniſhment that could be deviſed.*

But though it ſhould not accord with the wiſdom of the Legiſlature to permit the labour of convicts to be let out, on contract, to any perſon who can give proper ſecurity for performing the covenants which may be required, there are other methods of rendering their exertions uſeful, by dividing them among the different Dock-yards; aſſigning a particular place

* Vide Chap. XI. Pages 183—186: *and page* 240.

where they ſhall work by themſelves, in *moving* and *ſawing large timber*, *forging anchors*, or making *cordage*; In theſe ſituations, under proper management, their labour would in a very ſhort time yield, at leaſt double the ſum neceſſary to maintain them; and afford a liberal reſource for thoſe pecuniary encouragements, which would reconcile them to their lot, and induce them to exert all their vigour in rendering their labour productive.

The great error hitherto, already ſufficiently explained, has been in permitting convicts to be at large upon ſociety, after herding together under circumſtances where the certainty of liberty within a known period, excited no other wiſh than to return to their former crimes; encouraged and fortified in wickedneſs, by additional ſources of ill-gained knowledge, for eluding detection and evading the law.

When an atrocious offender has forfeited his life by the laws of his country, and is ready to drop into the grave, with the dread before his eyes of being placed upon the table of an Anatomiſt for diſſection: —where is the hardſhip of giving him an option to accept of *perpetual labour*, as the price of life? —Yet that this has been thought too ſevere, may be gathered from the Acts of the Legiſlature quoted in this Chapter.

A moment's reflection, however, on the operation of this ſpecies of puniſhment would ſhew, that in point of manual labour, the hardſhip to be impoſed is no more than every honeſt artiſan, who works induſtrioufly for his family, muſt, *during the whole courſe of his life*, impoſe upon himſelf. The conditions of a convict would even in ſome reſpects be ſuperior; inaſmuch as he would have medical aſſiſtance, and other advantages tending to the preſervation of health, which do not attach to the lower claſſes of the people; whoſe irregularities, from not being reſtrained, and whoſe purſuits and labours, by not being directed by

good judgment and intelligence, often produce bad health, and extreme poverty and diſtreſs.

But although it is ſuggeſted as an indiſpenſable general rule, for the purpoſe of preventing crimes, that no offender who has been condemned to death, ſhould ever be at large upon ſociety again, it is by no means meant to inſinuate that the Royal mercy ſhould be entirely ſhut againſt all theſe unhappy outcaſts; God forbid! It may happen that ſome of them may well deſerve mercy, after certain probation, and the hope of obtaining it ſhould ſtill be kept alive; but in this *as well as in every other caſe*, it ſurely would be greatly for the intereſt of the public, that free pardons ſhould only be obtained, on the expreſs condition that two reſponſible perſons ſhould become bail for the good behaviour of the convict, for the term of ſeven years at leaſt; and that ſuch bail ſhould forfeit a certain ſum of money, if any new crime was committed within that period. This ſhould be previouſly underſtood by all perſons applying for pardons; and it would tend to prevent abuſe if the applicants themſelves, or two of them, were required to become bail for the convict on the above conditions.

This is ſurely a moderate requeſt: for as every convict thus reſtored to ſociety, may be reaſonably ſuppoſed to increaſe the riſk of public injury; a right attaches to the community to expect ſome ſecurity againſt ſuch additional hazard. And this would probably be granted with the leſs reluctance, as thoſe who generally intereſt themſelves in procuring pardons, do it either from a belief of the convict's innocence, or from a ſtrong impreſſion that he never will again offend againſt the laws of his country.

Having thus ſuggeſted ſuch expedients as have occurred for improving the ſyſtem of the Hulks, and puniſhments by labour in this Country; it now remains to examine the facts regarding the preſent mode of *Tranſportation* of convicts to New South-

Wales, with a view to conſider how far any practicable improvements can be introduced into that ſyſtem.

The moſt prominent objection is not to the ſpecies of puniſhment: but to the enormous expence attending it;* which could not poſſibly have been foreſeen at the time, otherwiſe it would probably have never been adopted.†

* Sir John Sinclair (whoſe indefatigable, diſintereſted, uſeful, and patriotic exertions can never be forgotten while there is any gratitude in the Nation) in his Hiſtory of the Public Revenue, publiſhed in 1790, Vol. II. page 89, makes the following obſervation.

"About £ 100,000. has already been laid out in attempting to eſtabliſh a "very unpromiſing Colony in New South Wales.—At the moſt moderate "calculation, the puniſhment of petty felons, if the ſame meaſures are "purſued, will coſt above £50,000. per annum: an article which has "not as yet been ſtated in any eſtimate of the permanent expences of this "Country.

† From the accounts and papers which were laid before the houſe of Commons relative to the convicts tranſported to New South Wales, and ordered to be printed, the 8th of April 1791, and the 10th and 26th of March 1792: the following Expences appear to have been incurred in the courſe of about four years.

1. Expence of the Civil Eſtabliſhment of New South Wales from the year 1787, to the 10th of October 1790					13,130	17 8
2. Expence of the Military Eſtabliſhment from the year 1787, to the 1ſt of January 1791 - -					29,669	16 2
3. Expence of Tranſporting Convicts to New South Wales, as far as the ſame could be made up on the 9th of February, 1791 - - - -					161,075	17 2
4. Coſt of Proviſions and Stores which have been ſent to New South Wales for the maintenance and ſupport of the Settlements there; as far as the ſame could be made up on the 9th of February 1791 - - -					84,553	4 8¾
5. Expences of his Majeſty's Ships *Syrius*, *Supply*, *Guardian* and *Gorgon*, ſent on ſervice to New South Wales -					95,601	0 0
Total (according to the Statement, printed by order of the Houſe of Commons, 8th of April 1791) -					384,090	15 8¼
1. Expence of proviſions and ſundry articles ſent to South Wales, including bills drawn on account of Convicts ſent thither; per account, made up to the 7th of Feb. 1792	£22,179	12	6			
2. Expence of proviſions and ſtores ſent to New South Wales, for the ſupport of the convicts, including bills drawn; per account made up to 23d of Feb. 1792	53,551	17	0¼			
3. Expence of cloathing, tools, and implements of huſbandry, ſhipped in the Pitt Tranſport; reported 16th of Feb. 1792	7,937	5	4			
Carried over	83,668	14	10½	£	384,090	15 8¼

The firſt embarkation to New South Wales commenced in 1787, and in the month of May in the following year, 1030 male and female convicts were landed on the new Colony. In twenty-one months after, there were 77 deaths and 87 births in the whole ſettlement; which was divided, by placing a part of the convicts in Norfolk Iſland, a ſmall fertile ſpot, containing only about 14000 acres of land; and ſituated about 1200 miles diſtant from Sydney Cove, in New South Wales; where the ſeat of Government is fixed. In this project, conſiderably above half a million of money has been already expended. A circumſtance, which certainly ſhews the great anxiety of Government to deviſe means of puniſhment calculated to rid ſociety of theſe irreclaimable outcaſts; whoſe daily accumulation called for the adoption of ſome expedient to prevent their return upon the public.

Brought over	£83,668	14	10½	£384,090	15	8¾
4. Expence of cloathing and neceſſaries, ſhiped in the Kitty Tranſports; reported 16th of February 1792 -	195	0	0			
5. Specie, ſhipped to New South Wales in the Kitty Tranſport; reported 16th of Feb. 1792 - - -	1,001	0	0			
6. Cloathing and other articles, ordered to to be provided by an order of Treaſury, dated 5th of January 1792; eſtimated by report 16th of Feb. 1792 at	12,000	0	0			
Total (according to the Statement, printed by an order of the Houſe of Commons 10th and 26th of March 1792) - -				96,864	14	10½
Aggregate Total				£480,955	10	7¼
*** By the above mentioned Document, the future Civil Eſtabliſhment is fixed annually at - -	£3856	0	0			
Future annual charge of the Military eſtabliſhment - -	6134	7	3			
Total, from 1791 to 1792				9,990	7	3
Total expence, as far as it could be made up till Feb. 1792				£490,945	17	10¼

*** *The Number of Convicts ſent, from the commencement of the Eſtabliſhment till the above period namely, from 1787 to 1791, [illegible] have been about 5000 as nearly as a judgment can be framed from the public documents.*

Like all new colonial ſettlements, great ſtruggles, ſevere hardſhips, and difficulties were experienced at the outſet, and for ſome years after were heightened in a very conſiderable degree, by the immenſe diſtance from the mother country; the vaſt length of the voyage; and the difficulty and uncertainty of ſending regular ſupplies; theſe were often felt, (notwithſtanding the attention of Government) as ſerious evils, ſince the principal ſupport of the Colony, for the firſt three years, depended chiefly on the proviſions, ſtores, and cloathing, which were ſent from England And although with regard to *mere ſubſiſtence*, there is now a proſpect of the Colony becoming independent of ſupplies from this Country, yet with reſpect to cloathing and all other articles, its wants will experience no diminution, and humanity requires that they ſhould be attended to.

When the meaſure of making a ſettlement in New South Wales was determined upon, a hope was probably entertained that while the great expence of a paſſage home, joined to the fertility of the ſoil, and the ſalubrity of the climate, would induce convicts to remain after the expiration of their baniſhment, ſo as not to become troubleſome again in their native country; the tranſportation to an unknown region, inhabited by ſavages, and placed at ſuch a remote diſtance from England, would exhibit this ſpecies of puniſhment in a light ſo terrific as to prove, the means of preventing crimes.

Experience, however, has ſhewn not only that this ſalutary effect has not been produced; but that the great diſtance of New South Wales has not proved a bar to the return of a conſiderable number of the more atrocious and adroit thieves, ſeveral of whom are known to be again upon the town.

If the aged or infirm only were ſent out, they would, in proceſs of time, become the chief inhabitants of the colony, and would prove a dead weight upon Government as long as they exiſted.

Conſidering the very remote diſtance of this new Colony, it is much to be lamented, that no immediate proſpect is held out of any one of its productions ever becoming a valuable article of commerce in Europe. This circumſtance, by depriving the inhabitants of the power of making any returns for the ſupplies of cloathing, and other European articles, which their neceſſities require, joined to the great expence of conveying ſuch ſupplies, encourages no hope that the national expence can be materially diminiſhed (excepting with regard to the articles of proviſion) for a great lenghth of time.*

As the expectations formed of the early ability of the new inhabitants at leaſt to ſupply all their own wants ſeems in a great meaſure diſappointed, the deſire to reduce the national expence annually incurred, or if poſſible to keep it within ſome moderate bounds, will ſuggeſt the idea of limiting the tranſportation of felons. This may be done by inflicting this puniſhment chiefly on thoſe more atrocious offenders, (connected with gangs of thieves in the metropolis) who are not only in the full vigour of youth and health, ſo as to ſupport themſelves by their own labour; but who alſo poſſeſs that rooted depravity which renders it dangerous to hazard their mixing with convicts unacquainted with the vices of the metropolis; or others, who might, according to the idea already ſuggeſted, be rendered uſeful in their native country.

But while a ſelection is thus ſuggeſted, a conſiderable difficulty ariſes, which certainly was not in the contemplation of the Legiſlature, when this ſyſtem of tranſportation was firſt deviſed. What is to become of thoſe convicts who are, *aged*, *lame*, *ruptured*, *epileptic*, or otherwiſe incapacitated from being uſeful in agricultural purſuits?—They cannot be ſent to ſo

* The cultivation of Indigo ſeems to hold out the only proſpect of enabling the new coloniſts to pay for the ſupplies which muſt neceſſarily be ſent them. The climate ſeems to be well calculated for the production of this article, and it might be right to order experiments to be made.

diſtant a region, without, in the firſt inſtance, doing violence to the feelings of humanity, by hazarding their death upon ſo long a voyage; or, if they arrive, of entailing upon the public a great additional expence, by ſupporting them as long as they exiſt. This claſs (who are not ſeldom the moſt criminal) can be ſupported at home at, perhaps, 1-5th of the annual expence, to be incurred by their tranſportation; ſome means may therefore be deviſed of employing them in Penitentiary Houſes, ſo as to render their labour at leaſt equal their ſupport.

The foregoing obſervations may ſerve to ſhew the propriety of eſtabliſhing, perhaps, *four* modes of puniſhment for felons guilty of death or tranſportation.

I. To ſelect the moſt docile and the leaſt depraved convicts, who have either been recently led aſtray, or have been convicted of crimes committed in the country, and who do not at all belong to any gang or criminal aſſociation in the metropolis: to be employed either in the dock yards, or their ſervices made over to perſons engaged in public works; who would agree to feed and clothe them, and to make them certain allowances for the ſupport of their families, from the produce of their labour—and this without any expence to the public.

II. To ſelect thoſe very atrocious offenders who are able to work, but too far advanced in life to anſwer the expence of ſending them to New South Wales, and to confine them, during life, in the Hulks; to labour in raiſing ballaſt in the River Thames; or to perform ſervile work in the public arſenals; under circumſtances where every attention ſhould be paid to their health and religious inſtruction.

III. To ſelect the moſt depraved and hardened convicts, in the vigour of life, who belong to gangs of rogues, have extenſive criminal connections in the Metropolis, and who have been long upon the town as profeſſed thieves and burglars; and tranſport them to New South Wales for life.

IV. To ſelect the *aged*, *infirm*, *lame*, *ruptured*, and *epileptic* capital convicts, and confine them for life in Penitentiary Houſes allowing them, as an encouragement to labour as far as they are able, one moiety of the net profits of their earnings, after all expences are paid.

This mode of diſpoſing of theſe unhappy *outcaſts*, while it tended greatly to reduce the preſent expence, would, when combined with the other regulations which are propoſed, operate very powerfully in reducing the number of crimes, as well as criminal offenders, and of courſe the number of convicts in future.

Examples of puniſhment in immediate executions ſolemnly conducted, where the great enormity of the offence rendered ſo dreadful a ſacrifice neceſſary for the good of the public; joined to the exhibition of others doomed to work on the highways or at public works in the view of the great body of the people; while a third claſs ſhould be beheld in the forlorn ſtate of perpetual impriſonment in the Hulks, without hopes of pardon, unleſs under extraordinary circumſtances of good behaviour, and where ſecurity can be found; and a fourth baniſhed from their country for ever;—would, perhaps, prove the moſt merciful arrangements that could be made for the prevention of crimes, and the happineſs and ſecurity of the maſs of the people.—From the melancholy picture which has been exhibited in the preceding pages of this volume, it is but too evident that for the purpoſe of extending ſecurity, and even mercy, to the public at large, ſomething ſtrong and energetic has become indiſpenſably neceſſary.

Penitentiary-Houſes, now propoſed, for the confinement of deceaſed convicts, have, for the laſt twenty years, been conſidered as a very popular mode of puniſhment; and it cannot be ſufficiently lamented that the excellent laws for giving energy and effect to this ſyſtem have been ſo partially carried into execution.—For, in ſpite of all the diſappointments which have been experienced as to expected utility, where ever ſuch houſes have been erected, and not ſucceſsfully conducted; the error, upon a minute examination, will be found to have originated in the executive management of them: This requires an aſſemblage of qualities, diſpoſitions, and endowments,

which seem rarely to meet in any one man—namely,—*the education and habits of a complete man of business and resource,—a general acquaintance with the common affairs of life—an active and discriminating mind, and indefatigable industry;—joined to a philanthropic disposition—the purest morals: without any hurtful propensity or turn for idle amusement;—and these must all unite in a person to whom such a situation would prove convenient and comfortable.*

That such men are to be found (although seldom) is unquestionably true. It is reasonable to presume that public advertisements, offering adequate encouragements, would bring men of great merit and discretion forward; whenever it shall become the system to have recourse to such a *mode* of application.—Under such superintendance there would be little danger, with the resources which the Metropolis affords, of finding good and productive labour suited to the situation and former pursuits of the convicts; while proper attention would be bestowed on the means of working their reformation, and of restoring the less criminal to society, after a certain period; with a prospect of becoming more useful and peaceable members of the community.—It is earnestly to be hoped, therefore, that the good intentions of the Legislature will not be defeated, and that the salutary measure of building and improving Penitentiary Houses in the different counties will be carried into effectual execution, pursuant to the act of the 16th of His present Majesty already mentioned.—And if, in addition to this, the national Penitentiary Houses for male and female convicts, proposed to be built in the vicinity of the Metropolis by the Act of the 19th of George III. cap. 74, (very recently enlarged by the 34th Geo. III. cap. 84) shall be carried into execution, a most useful resource will be afforded, not only for the confinement of aged and diseased convicts, but also for those who are convicted of larcenies and misde-

meanors, and whoſe puniſhment does not extend to tranſportation.

The number of convicts of this laſt deſcription is extremely numerous, as has been already ſhewn;* of whom many hundreds, after a ſhort impriſonment, are thrown back every year upon ſociety, *without reformation, – without character, – without friends,—and without the means of ſubſiſtence.*—The reſult is painful to reflect upon.—They generally reſort to new crimes, to which they are ſeldom ill diſpoſed, from the education they have received in the ſchools of profligacy, which they have recently left; and by this kind of gradation the ſlight offender becomes a complete villain.

Let an appeal be made to the feelings of humanity in behalf of theſe early victims to vice and criminality, and let their unhappy ſituation plead for the eſtabliſhment of the local and national Penitentiary Houſes which the Legiſlature has authoriſed.—By this means, while the link of connection with their aſſociates in miſchief is deſtroyed, youthful criminals will be arreſted in the career of villainy; and after a courſe of labour, ſobriety, and religious and moral inſtruction, joined to good and judicious diſcipline, accurately carried into execution, they may be alſo reſtored to ſociety, with minds freed from depravity, and with ſuch habits of induſtry and ſuch a diſpoſition to lead a new life as may entitle them to hope for employment: This benefit may be ſecured to them by a certificate of good behaviour; which may remove their former ſtigma, reſcue them from the dreadful ſtate of being outcaſts of ſociety, and afford them an opportunity of ſupporting themſelves by honeſt labour when they are once more upon the world.

Theſe propoſitions are not the refinements of ſpeculation doubtful and uncertain in their iſſue.—The

* Vide general view of Priſoners puniſhed and diſcharged in one Year, page 171.

whole ſyſtem accords either with what has been already ſuggeſted, in ſubſtance and effect, by the Legiſlature; or what has been conceived to be practicable, under the controul of an able and active ſuperintendance.—If imperfections in the progreſs of the execution of the deſign ſhall be diſcovered, remedies will occur.—And in a matter of ſo much importance to ſociety, as well as to the cauſe of humanity, no good man will withhold his advice or aſſiſtance, whenever it may be required, in perfecting a plan, the object of which is to reſcue thouſands yet unborn from miſery and deſtruction.

CHAP. XIII.

The Police of the Metropolis examined.—Its organization explained, with regard to that branch which relates to the prevention and suppression of crimes.—The utility of the new system, established in 1792, *examined and explained.—Reasons assigned why this system has not tended in a greater degree to the suppression and prevention of atrocious crimes.—Its great deficiency from the want of funds, by which Magistrates are crippled in their exertions, with regard to the detection and punishment of offenders.—Reasons in favour of a new System—The Police of the city of London (as now constituted) explained and examined.—Suggestions relative to established Justices, and the benefits likely to result from their exertions in assisting the City Magistrates; from whose other engagements and pursuits, that close and laborious attention cannot be expected which the public interest requires.—The Magistrates of London the most respectable, perhaps, in the world.—— The vast labour and weight of duty attached to the Chief Magistrate.—The Aldermen have certain duties assigned them, which ought not, in justice, to be augmented, as they act gratuitously.—The benefits which result to the community from established Police Magistrates, considered in different points of view; and exemplified in the advantages which have arisen from the system under the act of* 1792.—*General reflections on the advantages which would arise from the various remedies which have been proposed in the course of this Work.—These benefits, however, only of a partial nature, inadequate to the object of complete protection, for want of a centre-point and superintending establishment, under the controul of the first Minister of Police.—Reasons assigned in favour of such a system.—The ad-*

vantages that would result from its adoption.—A short view of the annual expence of the present Police establishment.—A reduction, or more useful appropriation of these funds would probably be the result of the proposed establishment.—The ideas of enlightened foreigners on the Police of the Metropolis explained.—Reflections suggested by those ideas.—Observations on the Police of Paris previous to the revolution in France, elucidated by anecdotes of the Emperor Joseph the III. and Monsr. De Sartine.—The danger of an inundation of foreign sharpers and villains on the return of peace.—The situation of Europe requires, and the necessity of a well-regulated police points out the utility of, an auxiliary Board of Commissioners for managing the Police.—Their duty explained, under twelve different heads.—Further explanations, tending to elucidate the remedy proposed.

HAVING in the preceding Chapters endeavoured to bring under the review of the reader, not only those prominent causes which have occasioned that great increase of public wrongs, which every good man must deplore, but also the *various classes of delinquency*, which fill up the melancholy catalogue of human depravity; as well as such observations and facts, relative to *detections*, *trials*, and *punishments*, as seemed to be necessary for the purpose of elucidating a subject, of great importance to be understood by all ranks of society; it remains now to explain and develope the *system* hitherto established for the purpose of protecting the public against those enormities, and from which it is to be expected that energy, and those exertions which have been shewn to be so indispensably necessary, for the suppression and prevention of crimes.

The Police of this great Metropolis is undoubtedly a ſyſtem highly intereſting to be underſtood, although heretofore (as far as the Author has had acceſs to know) it has never been, at any period, fully explained through the medium of the Preſs;—and hence it is, that a vaſt proportion of thoſe who reſide in the Capital, as well as the multitude of ſtrangers who reſort to it, have no accurate idea of the principles of organization, which move ſo complicated a machine; eſtabliſhing thoſe conveniencies and accommodations, and preſerving that regularity which prevails in the particular branches of Police which may be denominated *Municipal Regulations*; ſuch as *paving*, *watching*, *lighting*, *cleanſing*, and *removing nuiſances*; *furniſhing water*; *the mode of building houſes*, the ſyſtem *eſtabliſhed* for *extinguiſhing fires*, and for regulating *coaches*, *carts*, and *other carriages*: with a variety of other uſeful improvements, tending to the comfort and convenience of the inhabitants. This important part of the ſyſtem, however, not falling within the criminal department, is reſerved for the next Chapter.

With regard to that branch which is connected with the *prevention* and *ſuppreſſion* of crimes: it has been already ſtated in this Work, that twenty-ſix Magiſtrates, forming that reſpectable body, comprehending the Lord Mayor and Aldermen,* ſit in

* The following are the names of the Aldermen at preſent (October 1796) in the Magiſtracy of the City, arranged according to their Seniority.

1761	Right Hon. Thomas Harley,	Bridge Ward without
69	John Wilkes, Eſq.	Farringdon without
72	Watkin Lewes, Knt.	Lime ſtreet
72	Sir William Plomer, Knt.	Baſſiſhaw
74	Nathaniel Newnham, Eſq.	Vintry
76	Richard Clarke, Eſq.	Broad-ſtreet
77	Thomas Wright, Eſq.	Candlewick
81	William Gill, Eſq.	Walbrook
82	William Pickett, Eſq.	Cornhill
82	John Boydell, Eſq.	Cheap
83	Sir James Sanderſon, Knt.	Bridge within
84	Paul Le Meſurier, Eſq.	Dowgate
84	Brook Watſon, Eſq.	Cordwainers
85	Thomas Skinner, Eſq.	Queenhithe

rotation every forenoon, at the Manſion houſe, and at Guildhall, and take cognizance, of all matters of Police within the ancient juriſdiction of the city of London: while twenty-four eſtabliſhed Magiſtrates have been appointed for every other part of the Metropolis*; having particular offices or courts of juſ-

85	R. Hon. Wm. Curtis, Ld. Mayor,	Tower
85	Sir Benjamin Hammett, Knt.	Portſoken
86	William Newman, Eſq.	Farringdon within
86	G. M. Macauly, Eſq.	Coleman-ſtreet
89	J. W. Anderſon, Eſq.	Alderſgate-ſtreet
90	Harvey C. Combe, Eſq.	Aldgate
90	Sir Richard Carr Glyn, Knt.	Biſhopſgate-ſtreet
93	Stephen Langſton, Eſq.	Bread-ſtreet
93	William Staines, Eſq.	Cripplegate
95	Sir John Eamer, Knt.	Langborne
95	William Luſhington, Eſq.	Billingſgate
96	William Herne. Eſq.	Caſtle Baynard

Sir John William Roſe, Knt. Recorder of London, a Magiſtrate, holding rank above the Aldermen who have not ſerved the office of Lord Mayor.—He aſſiſts at the General and Quarter Seſſions of the Peace, and in the principal affairs of the City; but does not ſit in rotation.

Mr. Newman, Clerk to the Lord Mayor, or ſitting Alderman at the Manſion-houſe.

Mr. Whittle, Clerk to the ſitting Alderman at Guildhall.

* The following are the Public Offices in the Metropolis; (excluſive of the city of London:) and the reſpective Magiſtrates who *preſide*, and the Clerks who *officiate* at each.

West minſter.

Bow-ſtreet Covent Garden	William Addington, Eſq.	*Magiſtrates.*
	Nicholas Bond, Eſq.	
	Richard Ford, Eſq.	
	Meſſ. Lavender and Davies	*Clerks.*

The following ſeven Public Offices were eſtabliſhed by the Act 32, Geo. III. cap. 53; and continued for five years by 36 Geo. III. cap. 75.

Queens Square, St. Margarets, Weſtminſter	Cranley Thomas Kerby, Eſq.	*Magiſtrates.*
	Henry James Pye, Eſq.	
	James Petit Andrews, Eſq.	
	Meſſ. Arthur Gliddon, and Peter Kerby	*Clerks.*
Great Marlborough-ſtreet, Oxford Road	Nathaniel Conant, Eſq.	*Magiſtrates.*
	John Scott, Eſq.	
	Philip Neve, Eſq.	
	Meſſ. Henry Peach Butler and John Thornton	*Clerks.*

Middleſex.

Hatton Garden Holborn	Richard Clark, Eſq.	*Magiſtrates.*
	William Bleamire, Eſq.	
	Aaron Graham, Eſq.	
	Meſſ. A. Todd and W. Upton	*Clerks.*
Worſhip-ſtreet, Fiſbury Sq.	John Floud, Eſq.	*Magiſtrates.*
	Patrick Colquhoun, Eſq.	
	William Browne, Eſq.	
	Meſſ. Charles Luſh and James Chalmers	*Clerks.*

tice assigned them at convenient distances in Westminster, Middlesex and Surry; where they sit every day (Sunday excepted) both in the morning and evening, for the purpose of executing all the multifarious duties, connected with the office of a Justice of the Peace, which unavoidably occur in large societies.

This institution of established Justices (except with regard to the three Magistrates at Bow-street) was suggested to the Legislature, in consequence of the pressure felt by the public, from the want of some regular and properly-constituted tribunals for the distribution of Justice; where the system should be uniform; and where the purity of the Magistrates, and their regular attendance, might insure to the lower orders of the People, the adjustment of their differences at the least possible expence, and the assistance of gratuitous advice in every difficulty; as well as official aid, in all cases within the sphere of the Magistrates in their respective districts.

The duty of these established Magistrates, (in conjunction with other Justices of the Peace, who find it convenient to give their assistance,) extends also to several important judicial proceedings; where in a great variety of instances, they are empowered and required to *hear* and *determine* in a summary way; particularly in cases relative to the *customs*, *excise*, *and*

Middlesex.	Lambeth-street Whitechapel	Thomas Bernard, Esq.	*Magistrates.*
		Rice Davies, Esqr	
		Henry Reynett, D. D.	
		Messr. John Smith and J. Bailey	*Clerks.*
	High-street, Shadwell	George Storie, Esq.	*Magistrates.*
		John Staples, Esq.	
		John Nares, Esq.	
		Messr. James Rowswell and George Skeene	*Clerks.*
Surry.	Union-street, Southwark	Gideon Fournier, Esq.	*Magistrates.*
		Benjamin Robinson, Esq.	
		Jonathan Stonard, Esq.	
		Messr. David Campbell and J. A. Jallicoe	*Clerks.*

N. B. The whole Fees and Penalties taken and received at the above seven Offices, established by Act of Parliament, are paid in to the *Receiver* on account of the Public, and the whole expences of the Establishments are defrayed from the funds placed in his hands for that purpose.

ſtamps—the game laws---hawkers and pedlars–pawnbrokers–friendly ſocieties— highways–hackney coaches, carts, and other carriages—Quakers and others refuſing to pay tythes—appeals of defaulters in parochial rates— Miſdemeanors committed by perſons unlawfully pawning property not their own—bakers for ſhort weight &c.—Journeymen leaving their ſervices in different trades—labourers not complying with their agreements—diſorderly apprentices—alehouſe keepers, keeping diſorderly houſes—nuiſances by different Acts of Parliament—acts of vagrancy by fradulent lottery inſurers—fortune tellers, or perſons of evil fame found in avenues to public places, with an intent to rob—As well as a multitude of other offences, in which Juſtices, have power to proceed to conviction and puniſhment, either by fine or impriſonment.

The duty of the Magiſtrates alſo extends to a vaſt number of other objects, ſuch as *licenſing public houſes*, and eſtabliſhing rules and orders for publicans,* *watching over the conduct of publicans—ſwearing in charging and inſtructing parochial conſtables and headboroughs from year to year, with regard to their duty —iſſuing warrants for privy ſearches ; and in conſidering the caſes of perſons charged with being diſorderly perſons, or rogues and vagabonds, liable to be puniſhed under the Act of the 17th George II. cap. 5, and ſubſequent acts of Parliament—in making orders to pariſh officers, beadles and conſtables, in a variety of caſes—in pariſh removals—in billetting ſoldiers—in conſidering the caſes of poor perſons applying for aſſiſtance, or admiſſion to workhouſes—in granting certificates and orders to the wives of perſons ſerving in the militia*, and alſo *in atteſting recruits, for the army—in examining aliens, and in granting them certificates—in attending the General and Quarter Seſſions of the peace, and in viſiting the workhouſes, bridewells, and priſons.*

* Vide Tract on Public Houſes, by a Magiſtrate of Police, Publiſhed 1796. by Dilly in the Poultry.

In addition to these various duties, a multitude of criminal cases occur in the course of a year, which are examined for the purpose (if necessary) of being sent to superior tribunals for trial:—such as charges of *treason*, *murder*, *coining*, *and uttering base money*, *arson*, *manslaughter*, *forgery*, *burglary*, *larceny*, *sedition*, *felonies of various descriptions*, *conspiracies*, *frauds*, *riots*, *assaults*, *and misdemeanors of different kinds*:—all which unavoidably impose upon every official Magistrate, a weight of business requiring great exertion; and an unremitting attention to the public interest, in the due execution of this very important trust.

When the police system was first established in the year 1792, the public mind became impressed with an idea that the chief, if not the only object of the institution was to prevent *robberies*, *burglaries*, and other *atrocious offences*; and that the suppression of those crimes which bore hardest upon society, and were most dreaded by the public at large, was to be the result. These expectations proved that neither the powers nor authorities granted by the act of Parliament, nor the other duties imposed upon the Magistracy of the Police were understood. It is not generally known, and, perhaps, will scarcely be believed, that the statute under which the established Magistrates act, (useful as it certainly is in many respects,) does not contain even a single regulation applicable to the prevention of crimes; except that which relates to the apprehension of suspected characters, found in the avenues to public places, with intent to commit felony; who are liable to be punished as rogues and vagabonds,—and even this does not exceed to the city of London.

But this is not all—an establishment has been created without the most necessary of all engines to give vigour and effect to the exertions of the Magistrates; namely, a pecuniary fund to defray the expences of detecting criminals, and of rewarding those

who bring informations useful to public justice. The expence of each Public Office being restricted to *two thousand pounds* a year, and the establishment in *salaries*, *rents*, *taxes*, and other *contingencies*, exhausting that sum, nothing remains for one of the most necessary purposes of the institution—The *prevention* and the *suppression of crimes*.

It is in vain to expect that either vigour or energy can enter into that part of the System, where a great deal of *both* is necessary, *without funds*.

If criminals at war with the community, are to be detected—if risks are to be run to effect this purpose—if it is to be done, as it must be frequently, at the hazard of the loss of health, and *even of life*, by watching desperadoes in the night time—if accurate informations are necessary, either to discover where stolen property is deposited, or where the delinquents are to be found; a fund must be provided, or the public cannot be protected.—Those whose province it is to watch over the police must not expect that men capable of giving them useful information will come a second time, if they have not some adequate reward bestowed upon them for their labour, risk, and trouble.—Without such power of granting small rewards, (so far as that part of his duty which relates to the discovery of property plundered, and the detection of the offenders is of importance to the public,) a Magistrate is placed in the situation of a person pledged to work, *without tools or implements of labour*, by which he can in any respect accomplish his purpose. And hence it is, that among the numerous causes assigned in the course of this Work, for the increase of crimes,—This is none of the least.

Not that it is meant that any additional burden on the public, by extensive expenditure of money, would be necessary—A very moderate sum judiciously and œconomically laid out, would bring to Commissioners of the Police, or to the *disbursing Ma-*

giſtrates, through ſome medium or other, an early account of moſt of the depredations committed upon the public, as well as every circumſtance relative to coiners and ſellers of baſe money; this would lead to the detection and apprehenſion of moſt of the offenders: and thereby ſtrike ſuch an univerſal terror, as (aſſiſted by the other ſalutary regulations propoſed in this Work) would ſoon reduce the number of thieves, coiners, and other delinquents; and thus of courſe, diminiſh the ultimate and great additional expence which follows conviction, in all caſes where felons are either tranſported or ſent to the Hulks.

In this view of the ſubject it would prove a regulation calculated greatly to reduce the aggregate expence—For ſurely, if *five guineas* judiciouſly laid out, in the firſt inſtance, would ſave *fifty* afterwards, to the State, it muſt be a wiſe and a good arrangement, —and in this way it would probably operate.—But this would not be the only ſaving to the nation:—by preventing crimes all thoſe concerned in projects of miſchief, muſt, inſtead of preying upon the induſtry of others, aſſiſt the State, by contributing their ſhare to the national ſtock of labour.

Next to the want of a ſufficient pecuniary fund, the moſt obvious deficiency in the preſent ſyſtem of executive Police in the metropolis, is that which regards the Magiſtracy of the City of London; *where the caſe is preciſely reverſed*; for *there* the funds for the detection and diſcovery of offenders, may be made as ample as the Corporation ſhall think fit: but the want of a *Stipendiary Eſtabliſhment* muſt prevent the operation of that ſyſtem of vigour and energy, which the increaſe of criminals and the preſent ſtate of ſociety demand.

The Magiſtrates of the city of London form a body, perhaps the moſt *reſpectable*, *able* and *independent* of any in the world; but beſides the unavoidable, important and multiplied affairs of the Corporation, in attending the various Courts of the Lord Mayor—

Aldermen—Common-council—Common-hall—Wardmotes—Conſervancy—Court of Requeſts—Court of Orphans—and General and Quarter Seſſions of the Peace, and Juſtice-Hall at the Old Bailey, they have avocations and engagements in buſineſs which muſt neceſſarily occupy their minds. It cannot therefore reaſonably be expected that they ſhould forego their own important private intereſts, and beſtow upon the buſineſs of the public that attention which their ſituation as Magiſtrates ſeems to require*.

The Chief Magiſtrate cannot, in the nature of things, while the immenſe load of municipal affairs, joined to his own private concerns, preſſes conſtantly upon his mind, beſtow either time or attention in conſidering the caſes of delinquents brought before him: or in following up informations, and deviſing plans neccceſſary to detect offenders: and yet this detail of duty, even from the paſs-vagrant to the moſt atrocious villain, is impoſed on him, by ancient immemorial cuſtom and uſage; at the very moment when he is overpowered with other official buſineſs of great magnitude and importance, which can be tranſacted by no other perſon. Hurried with conſtant engagements, inſeparable from the functions and dignity attached to his high office, and the general government of the City: A Lord Mayor is juſt beginning to underſtand the duties attached to the chief Magiſtracy, at the period when he muſt lay it down.

The other Magiſtrates of the city having had a preciſe line of duty anciently chalked out, when commerce and ſociety had made leſs progreſs, the ſame ſyſtem continues; nor would it be proper to expect

* The Author having had occaſion to repreſent to a late chief Magiſtrate of great worth and reſpectability, the enormous evil ariſing from *baſe coin*.—He very judiciouſly obſerved, that to any good in protecting the public againſt this ſpecies of offence *it would require the mind of a Magiſtrate to be given up to that object alone.* This pointed and accurate remark is ſufficient to elucidate, in an eminent degree, the neceſſity of Magiſtrates with ſalaries, in all large communities.

an augmentation of labour, or a greater proportion of time from Magiſtrates who ſerve the public gratuitouſly.—The unremitting attendance and indefatigable induſtry which the public intereſt requires, it would be vain and unjuſt to expect, from any but Magiſtrates ſelected for that purpoſe, and that purpoſe only.

With the increaſe of thoſe bleſſings which are ſuppoſed to ariſe from a courſe of proſperity and wealth, there is generally an increaſe alſo of *evils* and *inconveniencies*; and hence it is that while an influx of riches preponderates in *one ſcale*, an augmentation of crimes acts as a counter-balance in the *other*:—thus requiring the conſtant and progreſſive application of ſuch antidotes and remedies as will preſerve the *good*, while the *evil* is diminiſhed or kept within bounds.

It ſeems that the Metropolis is now in that ſituation where the active and unceaſing attention of Magiſtrates with ſalaries has become neceſſary to promote a vigorous and energetic execution of the law, for the general protection of property, and the ſafety of individuals*.

Under the circumſtances ſo amply detailed in the courſe of this Work, and which form ſo many prominent features of Police, requiring the conſtant and watchful eye of the Magiſtrate, it ſeems clear to demonſtration, that unleſs official duties become the ſole buſineſs and purſuit of the parties engaged in them, the public intereſt muſt ſuffer; (although imperceptible in their progreſs,) crimes will increaſe and multiply; at a time when the comfort, happineſs,

* If this were caſe, neither the Bank nor the avenus to every part of Cheapſide, &c. would be beſet with gangs of rogues and ſharpers, both men and women, who ſupport themſelves principally by the reſource which the vaſt amount of moving property, in money and portable goods, affords them in this part of the metropolis*; where it appears, capital offenders are rarely detected; ſince at the Old Bailey, thoſe convicted in the courſe of a year, from the city and county, run in the proportion of about 1-7th part for London and 6-7th parts for Middleſex†.

* Vide Chap. V. Pages 77, 78.
† Vide Table, Chap. XI. Page 177.

and ſecurity of ſociety require that they ſhould be diminiſhed.

In conſequence alſo of the great accumulation of the ſtatute laws, requiring the attention of Magiſtrates in a vaſt number of inſtances, which did not occur a century ago,—their duty has ſo multiplied as to require the *whole attention* of Magiſtrates acting in all great ſocieties; an obſervation which applies not merely to the Metropolis, but to many large provincial towns. It follows therefore, almoſt as a matter of courſe, that Stipendiary Juſtices have become indiſpenſably neceſſary.

If men of buſineſs, integrity, and talents, could once be prevailed on to accept of ſuch Employments, and execute the truſt repoſed in them with zeal and attention to the public intereſt, and with firm and independent minds, attached to no party, infinite advantages muſt reſult to the community from their ſervices.*

Where men of this deſcription pledge themſelves, as they muſt neceſſarily do, to give up every other purſuit, aſſiduouſly and conſtantly to execute the laborious duties of a Police Magiſtrate;—juſtice alſo requires that the reward ſhould be commenſurate to the ſacrifices which are made. It is the intereſt of the Community that it ſhould be ſo: for in the preſent extended ſtate of commerce and ſociety, no gratuitous ſyſtem can ever be expected to anſwer any purpoſe of real utility.

While the higher order of Magiſtrates receive the juſt reward of their uſual labour, beſtowed in the exerciſe of their functions in promoting the public good —where can be the impropriety of extending the ſame

* A Police Magiſtrate has nothing to do with the politics of the country; and he is incapable, and unworthy of the truſt repoſed in him, if he permits any bias, or influence, but that which is immediately connected with a correct and chaſte execution of the laws to take hold of his mind.—It is only by this line of conduct that he can either render himſelf uſeful or reſpectable.

ſpecies of remuneration to inferior Magiſtrates; who muſt devote even a greater portion of time and attention to the multifarious duties aſſigned them?

In the City it could be by no means difficult to procure a few able, active, and honourable men, to whom the office of *Aſſiſtant Magiſtrates* might be aſſigned; and who would give *their whole attention to* the criminal department of the Police. The proceedings of theſe Magiſtrates ſhould be ſanctioned by the preſence of the Aldermen, as often as one or more could conveniently attend; on which occaſions they would neceſſarily preſide, as holding within their own diſtrict a higher rank in the Magiſtracy.

The difference in point of benefit to the community between a *mind* conſtantly occupied in objects of public utility, and that which only is occaſionally employed, is *great* beyond all poſſible calculation. Nor is the meaſure without precedent, even in the city of London, ſince the Recorder may, in his high office, be fairly conſidered in the light of a Magiſtrate with a ſalary.

Ready on every occaſion, at their ſittings in the morning and evening, to offer their advice or aſſiſtance to the labouring people, as well as all ranks of the community, who apply for it—to adjuſt their differences, and to protect them againſt wrongs and oppreſſions; prepared alſo, as a matter of buſineſs, to receive and follow up informations where crimes have been committed, and never to loſe ſight of the object while it is practicable to attain it; theſe Aſſiſtant Magiſtrates would afford incalculable advantages to the city; which would be ſtill farther increaſed, if a ſyſtem of co-operation with the other Police Magiſtrates were eſtabliſhed, upon a plan which ſhould unite their energy, and render their juriſdiction co-extenſive. (*See ante* page 169, 170).

It is a well known fact, that ſince the eſtabliſhment of Police Magiſtrates for Weſtminſter, and the

parts of Middleſex and Surrey, contiguous to the city of London, great benefits have been experienced from the aſſiſtance and advice which have been afforded to the indigent, and the ignorant.

Many quarrels and little law-ſuits have been prevented, and innumerable differences immediately reconciled without any expence.

It is in this manner that Magiſtrates, acting up to the ſpirit of their public duty, and beſtowing their *whole* attention upon whatever relates to that duty, confer thoſe obligations upon the community which no moderate remuneration can repay.

The office of a Police Magiſtrate is not like other public ſituations - for the buſineſs is multifarious, and admits of no receſs or vacation.—It is *conſtant*, *laborious*, and without *intermiſſion*.*

But with all theſe advantages, even improved by competent funds appropriated to the different public offices, ſtill *a cente point* is wanted to connect the whole together, ſo as to invigorate and ſtrengthen every part, by a ſuperintending eſtabliſhment, under the immediate controul of the Secretary of State for the Home Department: There indeed the conſtitutional ſuperintendance of the Police of the Metropolis, as well as of the whole country, reſts at preſent; but from the vaſt weight and increaſe of other public buſineſs, connected with the general affairs of the

* In the month of October 1793, a reſpectable Committee, repreſenting the great body of the Manufacturers in Spitalfields, waited on His Majeſty's Principal Secretary of State for the Home Department, with an Addreſs of Thanks for the eſtabliſhment of the Police Syſtem; the ſubſtance of which is as follows:

"That it is the opinion of this Society, that great benefits have ariſen with regard to the ſecurity of property, from the correct and regular manner in which the judicial buſineſs has been conducted by the Magiſtrates of Police; in conſequence of whoſe vigilance and attention, an effectual check has been given to a ſyſtem of depredation which heretofore occaſioned a loſs of many thouſands per annum to the Silk Manufacturers:——And it was Reſolved,——"That the Thanks of this Society are due to the Right Honourable Henry Dundas, one of His Majeſty's Principal Secretaries of State; and alſo to Mr. Burton, and the other Members of Parliament, who propoſed and ſupported the Police Syſtem, for the ſhare they had in the eſtabliſhment of a judicial tribunal, which has been found to extend to the Silk Manufacturers, many advantages in a juſt and proper execution of the laws which were not heretofore experienced."

State, foreign, colonial, and domeſtic, it has been found impracticable to purſue that particular ſyſtem which has now become, more than ever, neceſſary for the detection of criminals. It ſeems then, that in executing a taſk ſo complicated and multifarious, a delegation of ſubordinate *Reſponſible Management* to certain *Auxiliary Agents* ſhould be reſorted to; as the only means of giving ſtrength, vigour, and energy to a ſyſtem, heretofore only partially uſeful; and which, in its preſent diſjointed ſtate, is incapable of extending that protection and ſecurity, which has been ſhewn in the courſe of this Work, to be ſo much wanted, and ſo indiſpenſably neceſſary.

To underſtand the Police of the Metropolis to that extent which is neceſſary to direct and ſuperintend its general operations, it muſt be acted upon *practically*; and thoſe who undertake the *ſuperintendance* and *management* alluded to, muſt be men *able*, *intelligent*, *prudent*, and *indefatigable*:—Devoting their whole attention to this object alone, upon a plan already hinted at, and in ſome meaſure explained in the Introduction to this work (page 21, 23,); by means of a general alphabetical regiſter, as correct as could poſſibly be formed of all ſuſpicious Characters. Clerks might be continually employed with great advantage in entering and poſting up under the proper heads, ſuch new information as ſhould be obtained from day to day; and hours ſhould be appointed for receiving ſuch intelligence from all proper and well-informed perſons; who might chuſe to offer the ſame, ſo far as ſuch information related to public wrongs, and offences againſt the peace, ſafety, and well-being of ſociety.

Under ſuch a ſyſtem, with a proper power of remunerating Officers and others, ſcarcely, a *Robbery*, *Burglary*, *Larceny*, or *fraudulent Tranſaction*, could be committed, where the perpretrators would not be very ſpeedily detected and brought to juſtice; for then the Magiſtrates, in their reſpective diſtricts,

would be enabled to act with confidence, vigour, and energy, in the discovery and apprehension of offenders;—and the effect would be to excite a general terror in the minds of every class of delinquents; which could not fail to operate strongly as a means of preventing crimes, and improving the morals and the happiness of the lower orders of the people.

In addition to this, these responsible *Auxiliary Magistrates* or Commissioners might, with great propriety and with no little public utility, have committed to them the labour of *receiving, disbursing, and keeping the accounts* of all *monies applicable to objects of Police*: These they should lay annually before Parliament, if required, accompanied by a general report; that the Legislature, as well as the public at large, might see in what manner the funds had been applied; and what progress had been made in the prevention of crimes, and in restoring among the labouring people that sense of morality which never, perhaps, was at a lower ebb than at present.*

The disbursements which are now made, *communibus annis*, on account of the Police system, are supposed to exceed, in a considerable degree, any estimate which may have been formed in the public mind relative to this branch of the national expenditure. Exclusive of the enormous sums paid for supporting prisoners, &c. out of the different county rates, and by the city of London for Newgate, this expence may be estimated nearly as follows:—*viz.*

	£.	s.	d.
1. The annual expence of the Public Office at Bow Street, paid out of the Civil List Revenue - - -	6,000	0	0
Carried over	6,000	0	0

* This subject is more fully detailed at the end of this Chapter; under twelve different heads.

Brought over	6,000 o o
9. The Expence of the ſeven Public Offices, ſituated in *Queen's Square*, and *Great Marlborough ſtreet* in *Weſtminſter*—*Hatton Garden*—*Worſhip ſtreet*, *Lambeth ſtreet*, *Whitechapel*, and *High ſtreet*, *Shadwell*, in the county of Middleſex; and *Union Hall*, in the Borough of Southwark, in the county of Surrey; average 2000l. each paid out of the conſolidated fund - -	14,000 o o
3. The average amount of what is paid out of the Civil Liſt Revenue to the different Sheriffs for the conviction of Felons	20,000 o o
4. The annual Expence of Convicts on board the Hulks at Woolwich, and Langſton Harbour; preſuming the average number to be 1200 Convicts and calculating the whole expence, including bounties to diſcharged Felons, and the allowance to the Chaplains and Coroners, at 25l. each	30,000 o o
5. The eſtimated Expence of tranſporting Convicts to New South Wales and Norfolk Iſland; including the ſupplies of proviſions and neceſſaries for the Colony, and the Expence of the Civil and Military Eſtabliſhment, &c. &c. &c.	50,000 o o
Total Expence £	120,000 o o

It is ſuppoſed, upon good grounds, that by devoting more time and attention to the object, ſo as to underſtand every part of the *minutiæ*, the public would be relieved from a good deal of unneceſſary expence; and that, by a ſyſtem of greater œconomy, conſiderable ſums would be ſaved for more uſeful purpoſes; independent of what would unqueſtionably ariſe from leſſening the number of trials and convictions, by the prevention of crimes: certainly the great object of all rational police.

The moſt enlightened foreigners, who have viſited this Metropolis, and contemplated the nature and organization of our police ſyſtem, join in one general

remark upon it; viz. " *That we have ſome ſhadow* " *of Police, for apprehending delinquents, after crimes* " *are actually committed; but none for the purpoſe of* " *preventing them.* This, certainly is, in one ſenſe, literally true; and from this ſource, combined with the imperfection of the criminal code, have ariſen all thoſe enormities and inconveniencies already ſo amply detailed.

Attached to the laws and government of his country, even to a degree of enthuſiaſm, the Author of this work will not be too prone to ſeek for greater perfection in other nations: or to quote them as examples to be imitated in the Metropolis of the Britiſh Empire; and ſtill leſs if ſuch examples ſhould tend, in the ſlighteſt degree, to abridge that freedom which is the birth-right of every Briton. But as all true liberty depends on thoſe fences which are eſtabliſhed in every country, for the protection of the perſons and property of the people againſt every attack whatſoever; and as prejudices ought to be baniſhed from the mind in all diſcuſſions tending to promote the general weal, we ought not to be aſhamed of borrowing good ſyſtems from other nations; wherever ſuch can be adopted, conſiſtent with the conſtitution of the country, and the liberty of the Subject.

In France, under the old government, how much ſoever many parts of the ſyſtem of that country were juſtly reprobated, by all who were acquainted with the bleſſings of freedom, yet, in the management and regulation of what was denominated *the Police*, there exiſted that kind of eſtabliſhment with regard to perſonal ſecurity, and protection againſt the depredations of the moſt depraved part of the community, which Engliſhmen have certainly never enjoyed; who, on the contrary, have ſuffered manifold inconveniencies from an idea, (ſurely a very erroneous one) " that we muſt endure theſe public wrongs, and expoſe our property and lives to the attack of

murderers, robbers, and highwaymen, as the price of *Liberty*."

When difficulties are felt, it is our duty to look at them diſpaſſionately; to face them with fortitude, and to diſcuſs them with intelligence—diveſted of all prejudices generated merely by habit and education. By purſuing this mode of inveſtigation, it will be diſcovered, that in other governments there may be ſome eſtabliſhments worthy of imitation; and which, perhaps, might in part be adopted, not only in perfect conſiſtency with the freedom of the Subject; but with the advantage of extending to the maſs of the people, who are not in a courſe of delinquency, more real liberty than they at preſent enjoy.

At the commencement of the troubles in France, it is a curious fact, that the Lieutenant-General of the National Police, as well as that of the Metropolis, had upon his regiſters the names of not leſs than twenty thouſand ſuſpected and depraved characters, whoſe purſuits were known to be of a criminal nature: yet, by making this part of Police the immediate object of the cloſe and uniform attention of one branch of the Executive Government, Crimes were much leſs frequent than in England; and the ſecurit extended to the public, with regard to the protection of life and property againſt lawleſs depredation, was infinitely greater. To elucidate this aſſertion, and to ſhew to what a wonderful height the ſyſtem had advanced, the reader is referred to the following anecdotes which were mentioned to the Author by a foreign miniſter of great intelligence and information, who reſided ſome years at the Court of France.

"A merchant of high reſpectability in Bourdeaux had occaſion to viſit the metropolis upon commercial buſineſs, carrying with him bills and money to a very large amount.

"On his arrival at the gates of Paris, a genteel looking man opened the door of his carriage, and

addreſſed him to this effect:—Sir, *I have been waiting for you ſome time; according to my notes, you were to arrive at this hour; and your perſon, carriage, and your portmanteau, exactly anſwering the deſcription I hold in my hand, you will permit me to have the honour of conducting you to Monſieur De Sartine.*

"The gentleman, aſtoniſhed and alarmed at this interruption, and ſtill more ſo at hearing the name of the Lieutenant of the Police mentioned, demanded to know what Monſieur De Sartine wanted with him; adding, at the ſame time, that he never had committed any offence againſt the laws, and that he could have no right to interrupt or detain him.

"The meſſenger declared himſelf perfectly ignorant of the cauſe of the detention; ſtating, at the ſame time, that when he had conducted him to Monſ. De Sartine, he ſhould have executed his orders, which were merely miniſterial.

"After ſome further explanations, the gentleman permitted the officer to conduct him accordingly. Monſ. De Sartine received him with great politeneſs; and after requeſting him to be ſeated, to his great aſtoniſhment, he deſcribed his portmanteau; and told him the exact ſum in bills and ſpecie which he had brought with him to Paris, and where he was to lodge, his uſual time of going to bed, and a number of other circumſtances, which the gentleman had conceived could only be known to himſelf. Monſ. De Sartine having thus excited attention, put this extraordinary queſtion to him. *Sir, are you a man of courage?* The gentleman, ſtill more aſtoniſhed at the ſingularity of ſuch an interrogatory, demanded the reaſon why he put ſuch a ſtrange queſtion, adding, at the ſame time, that no man ever doubted his courage. Monſ. De Sartine replied,—*Sir you are to be robbed and murdered this night!—If you are a man of courage, you muſt go to your hotel, and retire to reſt at the uſual hour: but be careful that you do not fall aſleep; neither*

will it be proper for you too look under the bed, or any of the closets which are in your bed-chamber; (which he accurately described); —*you must place your portmanteau in its usual situation, near your bed, and discover no suspicion*:—*leave what remains to me. If, however you do not feel your courage sufficient to bear you out, I will procure a person who shall personate you, and go to bed in your stead.*

After some farther explanation, which convinced the gentleman that Monf. De Sartine's intelligence was accurate in every particular, he refused to be personated, and formed an immediate resolution literally to follow the directions he had received: he accordingly went to bed at his usual hour, which was eleven o'clock. At half past twelve (the time mentioned by M. De Sartine) the door of the bed-chamber burst open, and three men entered with a *dark lantern*, *daggers*, and *pistols*. The gentleman, who of course was awake, perceived one of them to be his own servant. They rifled his portmanteau undisturbed, and settled the plan of putting him to death. The gentleman hearing all this, and not knowing by what means he was to be rescued, it may naturally be supposed, was under great perturbation of mind during such an awful interval of suspense: when, at the moment the villains were preparing to commit the horrid deed, four Police Officers, acting under Monf. De Sartine's orders, who were concealed under the bed, and in the closet, rushed out and seized the offenders with the property in their possession, and in the act of preparing to commit the murder.

"The consequence was, that the perpetration of the atrocious deed was prevented, and sufficient evidence obtained to convict the offenders. Monf. De Sartine's intelligence enabled him to *prevent* this horrid offence of robbery and murder; which, but for the accuracy of the system, would probably have been carried into execution."

Another anecdote was mentioned to the Author by the ſame miniſter, relative to the Emperor Joſeph the Second: That monarch having, in the year 1787, formed and promulgated a new code of laws relative to criminal and civil offences*; and having alſo eſtabliſhed what he conceived to be the beſt ſyſtem of Police in Europe, he could ſcarcely ever forgive the French Nation, in conſequence of the accuracy and intelligence of Monſ. De Sartine, having been found ſo much ſuperior to his own; notwithſtanding the immenſe pains he had beſtowed upon that department of his government.

"A very notorious offender, who was a ſubject of the Emperor, and who committed many atrocious acts of violence and depredation at Vienna, was traced to Paris by the Police eſtabliſhed by His Majeſty, who ordered his Ambaſſador at the Court of France to demand that this delinquent ſhould be delivered up to Public Juſtice.

"Monſ. De Sartine acknowledged, to the Imperial Ambaſſador, that the perſon he enquired after had been in Paris; that, if it would be any ſatisfaction, he could inform him where he had lodged, and the different gaming-tables, and other places of infamous reſort, which he frequented while there; but that he was now gone.——

"The Ambaſſador, after ſtating the accuracy and correct mode by which the Police of Vienna was conducted, inſiſted that this offender muſt ſtill be in Paris: otherwiſe the Emperor would not have commanded him to make ſuch an application.

Monſ. De Sartine ſmiled at the incredulity of the Imperial Miniſters and made a reply to the following effect:—

"*Do me the honour, Sir to inform the Emperor your maſter, that the perſon he looks for left Paris on the* 10*th day of the laſt month; and is now lodged in a back room*

* Vide Chap. XI.—Pages 206, 214.

looking into a garden in the third ſtory of a houſe, number 93, *in* —— *ſtreet, in his own capital of Vienna; where his Majeſty will, by ſending to the ſpot, be ſure to find him.*——

" It was literally as the French Miniſter of Police had ſtated. The Emperor, to his aſtoniſhment, found the delinquent in the houſe and apartment deſcribed; but he was greatly mortified at this proof of the accuracy of the French Police; which, in this inſtance, in point of intelligence *even in Vienna*, was diſcovered to be ſo much ſuperior to his own."—

The fact is, that the French ſyſtem had arrived at the greateſt degree of perfection: and though not neceſſary, nor even proper, to be copied as *a pattern*, might, nevertheleſs, furniſh many uſeful hints, calculated to improve the Police of this Metropolis, conſiſtent with the exiſting laws; and even to extend and increaſe the liberty of the Subject without taking one privilege away; or interfering in the purſuits of any one claſs of individuals; except thoſe employed in purpoſes of *miſchief*, *fraud* and *criminality*.

The ſituation of this country, (indeed of every country in Europe,) has changed materially ſince the diſſolution of the ancient government of France. The horde of ſharpers and villains, who heretofore reſorted to Paris from every part of Europe, will now conſider London as their general and moſt productive theatre of action; for two obvious reaſons: 1ſt, Paris being exhauſted of riches, its nobility baniſhed, and the principal part of the active property there annihilated; the former reſources for the ſupport of criminal and depraved characters no longer exiſt; and that Metropolis holds out no allurements ſimilar to what were formerly experienced. 2d, The ignorance of the Engliſh language (a circumſtance which formerly afforded us ſome protection), will no longer be a bar to the reſort of the continental ſharpers, to the Metropolis of this kingdom. At no period was it ever ſo generally underſtood by foreign-

ers; or the French language ſo univerſally ſpoken, by at leaſt the younger part of the people of this country.

The ſpirit of gaming and diſſipation which prevails in London, promoted already in no inconſiderable degree by profligate characters from the continent, the opulence of the people, and the great maſs of active property in circulation, afford a wide field for the exerciſe of the invention and wits of that deſcription of men, both foreigners and natives, who infeſted Paris under the old Government, and which rendered a more than ordinary attention to its Police indiſpenſably neceſſary.

The termination of the preſent war will probably throw into this country a vaſt number of idle, profligate, and depraved characters, natives of this, as well as of other nations, who will require to be narrowly watched by a vigilant and well-regulated Police. The probability of ſuch an acceſſion, to the numbers already engaged in acts of delinquency, ſerves to eſtabliſh new and incontrovertible arguments in favour of the propoſed *Auxiliary Board of Reſponſible Commiſſioners*, for managing the affairs of the Police of the Metropolis; to form a *centre point*, and to bind the ſyſtem together.

Three men of buſineſs,—*able*, *active*, and *indefatigable*, would be ſufficient to execute the taſk:—The utility of ſuch an Eſtabliſhment will perhaps be beſt explained, by a ſpecific detail of the peculiar duties which it would be requiſite, for the public intereſt, to impoſe on theſe Commiſſioners; arranged under twelve different heads:

1ſt. By devoting their whole attention to objects of Police, theſe commiſſioners would, in all caſes where the laws were found deficient, be able to ſuggeſt, from time to time, to his Majeſty's principal Secretary of State for the Home Department, certain alterations, amendments, and improvements, which might lead to ſuch legiſlative regulations as would prove the means of greatly reducing

the number of offences: other regulations might alſo be adopted for creating a fund, by means of the Police itſelf, equal to all the expences at preſent incurred; even including the rewards for conviction, the expence of tranſporting culprits to New South Wales, and of providing for felons on board the Hulks; and in ſhort, every other diſburſement, on this account, at preſent chargeable on the Civil Liſt Revenue, or the conſolidated fund; eſtimated (ſee pages 271, 272), at 120,00 a year.

2d. While they pointed out a ready method of eaſing the Public of the preſent heavy burthen, the commiſſioners would alſo, by the introduction of a ſyſtem of greater œconomy, reduce *this expence* conſiderably: and perhaps ſuggeſt ſuch arrangements, conſiſtent with *ſafe cuſtody* and *reformation*, as might ultimately relieve government partially, if not wholly, from every kind of expence on account of the different claſſes of Convicts.

3d. By means of an Alphabetical Regiſter, (to be kept in their office, and under their direction,) of all *Thieves*, *Robbers*, *Burglars*, *Pickpockets*, *Receivers of ſtolen Goods*, *Coiners*, *Dealers in Baſe Money*, *Cheats*, *Swindlers*, *Lottery Vagrants*, *Concealed Aliens*, *and others offending againſt the laws*, the Commiſſioners would not only ſave a large annual ſum, by counteracting the purſuits of theſe criminals; but would alſo protect the Public, as well as individuals, from the great dangers and immenſe loſſes, ſhewn to exiſt, by the details given in this Work.

4th. From the adoption of a ſyſtem calculated, in ſo great a degree to excite terror in the minds of criminals, (owing to the imminent hazard of detection, which would be exceedingly increaſed through the medium of diurnal intelligencers, whoſe vigilance would be ſharpened by adequate rewards) little doubt could be entertained of procuring very accurate, and early information of the perpetrators of every ſpecies of depredation. This, by leading to an immediate diſcovery, would, after a ſhort time, ſo embarraſs thoſe delinquents as to render their trade too dangerous to purſue; and would, of courſe, gradually leſſen their number, as the vigour and energy of the Police advanced.

5th. By conveying uſeful information to the different Public Offices, and by propoſing rules, applicable to theſe uſeful and beneficial objects, which a conſtant and unremitting attention to the ſubject, and a collected view of all the abuſes and the general Police of the metropolis, would ſuggeſt, the Commiſſioners, could not fail to extend, to

every branch of the ſyſtem, that energy which can never prevail where no centre-point exiſts; and where no funds are applicable to any purpoſes calculated to excite vigour in the detection of offenders.

6th. Theſe commiſſioners would extend to the Public at large conſiderable benefits, by taking up occaſionally ſuch great lines of Police, as could not be followed and carried into execution, with the ſame ſpirit and effect, by individual Magiſtrates acting at the different offices: for inſtance, plans for the detection of gangs of *Coiners*, *Dealers*, and *Utterers of Baſe Money*.—*Illegal Lottery Inſurers*,—or any other great ſyſtem of depredation or fraud. Infinite advantages would hence ariſe, by giving confidence to the local Magiſtrates in the prompt and energetic execution of the laws.

7th. They might alſo prove eminently ſerviceable, by turning their attention to thoſe two great lines of Police, which relate to the pillage and plunder on the river Thames, and in his Majeſty's-dock-yards, and other repoſitories.

8th. By taking upon them the whole management of the funds appropriated to the expences of the Police, for *Salaries*, *Eſtabliſhments*, *Contingencies*, *Rewards*, the *Hulks*, *Agreements for Tranſportation*, and Correſpondence relative to Convicts in all ſituations, the Commiſſioners would eaſe his Majeſty's Principal Secretaries of State of a vaſt deal of trouble: The many great objects, connected with State affairs, now impoſed on thoſe ſuperior Officers, would, at this time, render ſuch a diviſion of labour peculiarly uſeful and beneficial to the community.

9th. By a cloſe attention to the important duties aſſigned them, and entering into a regular correſpondence with the acting Magiſtrates in all the great towns, in every part of Great Britain and Ireland, the Commiſſioners would be able to concentrate, and bring together, ſuch a maſs of intelligence, as could not fail to be productive of the moſt beneficial conſequences, in the prevention of crimes; by ſuggeſting the means of detecting offenders, and by pointing out to magiſtrates, in town and country, all thoſe caſes which may ariſe, where extraordinary exertions may be neceſſary in putting the laws in execution; relating either to the great lines of Police, or to groſs acts of fraud and immorality.

10th. From the attention they would be pledged to devote to the ſubject at large, both in its general detail and the minutiæ, the Commiſſioners would be peculiarly competent

to ſuggeſt propoſitions for the ſuppreſſion of *Lottery Inſurers*—*Gaming*,—*Diſorderly Houſes*, &c. and alſo for the better regulation of *Public Houſes*, *Conſtables*, *Watchmen*, *Patroles*, *Night Coaches*, *Receivers and Buyers of Stolen Goods*, and *Weights and Meaſures*, &c.—Thus eſtabliſhing, by their example and inſtructions, a conſtant incitement to Magiſtrates to be vigilant; ſo that no means might be poſtponed or neglected, which a genuine regard to the public intereſt, and a diſcreet and prudent attention to the due execution of the laws, ſhould render neceſſary, for the preſervation of morals, and the prevention of crimes.

11th. The Commiſſioners might, with great advantage, aſſume the ſole management of convicts ſentenced to tranſportation or the Hulks; and make proper ſelections, founded on a perfect knowledge of the profeſſion, character, and ability of each: ſo as to render their labour, in future, as beneficial to the Public as poſſible.

12th. Finally, by a cloſe attention to their various and important duties, and by occaſional reports to his Majeſty's Principal Secretary of State, under whoſe authority alone they ſhould act as auxiliaries, theſe Commiſſioners would be able to bring under the conſideration of the Executive Government, ſuch a clear and connected view of every uſeful and important fact, relative to the Police of the country, as could not fail to be extremely beneficial; inaſmuch as practical knowledge and experience would continually ſuggeſt new ideas, calculated to improve the ſyſtem year after year; until it became as perfect as great attention to the ſubject, joined to good judgment and intelligence, could make it.

Thus would the propoſed Board of Commiſſioners have abundance of employment, in its nature of the greateſt uſe to the community, and in its operation and effect of the higheſt importance: The eſtabliſhment of ſuch a ſyſtem would be an immediate benefit to every man of property, as an individual, independent of the public at large; but even in another point of view, it is doubly neceſſary, at this juncture, when new events are daily occurring, of a nature truly intereſting to the peace and well-being of ſociety, and to the tranquillity of the State; render-

ing it more than ever neceſſary to eſtabliſh a ſyſtem of unremitting vigilance. It is a fact well eſtabliſhed, that it was principally through the medium, and by the aſſiſtance, of many of the twenty thouſand miſcreants who were regiſtered, previous to the anarchy of France, on the books of the Lieutenant of Police, that the contending factions in that diſtracted country, were enabled to perpetrate thoſe horrid maſſacres and acts of atrocity; which have been beheld with deteſtation, abhorrence, and aſtoniſhment, by every civilized nation in the world.

Let it be recollected at the ſame time that mankind, in a ſtate of depravity, ariſing from a long courſe of criminal turpitude, are nearly alike in every country: and that it becomes us to look with a jealous eye on the ſeveral thouſand miſcreants of the ſame deſcription which now infeſt London; for they, too, upon any fatal emergency (which God forbid!) would be equally ready as their brethren in iniquity, were, in Paris, to repeat the ſame atrocities, if any opportunity offered.

To be well prepared againſt every poſſible evil is one great ſtep towards prevention; and among the many advantages already detailed, as likely to reſult from an auxiliary *Board of Police*, this would be none of the leaſt.

In every view in which it can be conſidered, ſuch a ſyſtem, ſtrengthened by good and appoſite laws, could not fail to be productive of vaſt benefits to the community. *Petty thefts*, affecting all ranks who have any property to loſe, and deſtroying moral principle, would be greatly abridged: as would alſo the plunder from veſſels in the River Thames, as well as from the public arſenals, dock-yards, and ſhips of war. The more atrocious crimes of burglary and highway robbery, would ſuffer a ſevere check in the embarraſſments which would ariſe from the ſyſtem of detections and rewards—from the reſtrictions propoſed to be laid upon receivers of ſtolen goods; upon

night coaches, and from other regulations applicable to thoſe particular offences. A large proportion of the *coiners*, *dealers*, and *utterers* of *baſe money*, feeling the riſk of detection, as well as of puniſhment, greatly extended and encreaſed, would probably abandon the buſineſs as hazardous and deſtructive. The completion of the general ſyſtem would alſo, either collaterally or immediately, reach the tribe of cheats, ſwindlers, and lottery offenders in ſuch a manner as to occaſion a conſiderable reduction of their number, by narrowing the ground and deſtroying the reſources by which they at preſent flouriſh.

The *evils* and the *remedies*, ſo far as they relate to criminal offences, being thus developed, a true eſtimate will be formed, not only of the magnitude of the former, but of the propriety and practicability of the latter.

The Author is not ſo preſumptuous as to expect that in a matter of ſo much importance, thoſe ſuggeſtions which he has offered to the conſideration of the public, are either to be immediately approved of, or ſuddenly adopted. Some are obvious at firſt view, as preparatory ſteps, in their nature unobjectionable*; while others require to be well conſidered and accurately examined.

* The obvious remedies here alluded to, are of a nature *merely preparatory*, and relate to the following propoſition, (being a ſummary of what is detailed in various preceding Chapters) * to the immediate adoption of which, (in the opinion of a great and experienced Crown Lawyer, there does not ſeem to be any objection. —It is this:——

" That the Dealers hereafter mentioned, ſhall, under a certain penalty, annually regiſter their names and places of abode, (ſpecifying the number of the houſe, and the ſtreet,) at the Office of the Commiſſioners of Police, or at the Public Office, within the diſtrict of ſuch reſidence—Namely——

1. Publicans licenſed to ſell ale or other liquors,
2. Pawn Brokers,
3. Watch Makers,
4. Buyers of gold and ſilver,
5. Refiners of gold and ſilver,
6. Working and other ſilverſmiths,
7. Dealers in old and ſecond-hand furniture,
8. Brokers in ſecond-hand goods,

* Vide Chap. II. V. VIII.

The ſooner, however, this is done, the more immediate will be the operation of that ſyſtem which is to guard the inhabitants of the metropolis againſt thoſe depredations and dangers to which they have long been expoſed.

If ſo great a good is effected, it muſt ariſe from a general impreſſion on the public mind, that *it is practicable*——and that it *is a right thing to be done.*

9. Dealers in old building moterials,
10. Stable-keepers, and perſons letting horſes for hire,
11. Boilers of horſe-fleſh and other animals for profit,
12. Dealers in old and ſecond-hand naval ſtores, junk, and hand-ſtuff,
13. Dealers in rags and hand-ſtuff,
14. Dealers in ſecond-hand wearing apparel, bed and table linen,
15. Itinerant dealers in wearing apparel and other articles,
16. Dealers in *old iron*, braſs, copper, pewter, lead, and other metals'
17. Purchaſers of old iron, braſs, copper, pewter, lead, and other metals for manufacturing,
18. Founders and others keeping crucibles, or other veſſels for melting old metals,
19. Perſons being dealers in any of the above articles, keeping draught or truck carts :

Of which regiſter, on paying *only One Shilling* to the Clerk, they ſhall receive a certificate, to continue in force one year, or till they ſhall change their reſidence ; of which notice ſhall be immediately given, and a new certificate applied for.

And as often as any perſon, ſo required to regiſter their name and place of abode, and occupation, ſhall have in his or her poſſeſſion, any goods, bank-notes, money, horſes, cattle, dogs, or any other property; and after receiving a hand-bill, or any written notice of ſuch being ſtolen, with a deſcription thereof, ſhall wilfully omit, or refuſe to make immediate diſcovery of the ſame to the Magiſtrates at the Public Office of the diſtrict, and of the perſon or perſons from whom they were purchaſed or received, he or ſhe ſhall forfeit £5* ; and alſo the value of whatever is concealed, which penalty ſhall be recovered on conviction by a warrant of diſtreſs, &c.

* A regulation to the ſame effect was introduced into the Police Bill of 1785 and has lately been adopted in the New Act for the city of Dublin; with this difference—that a ſuperintendant Magiſtrate is appointed to regulate this particular branch of Police, and the penalty (which is £50. and the value of the ſtolen property concealed), is recoverable by an action of debt to be brought in the name of the ſuperintendant Magiſtrate, in any of his Majeſty's courts of record in Dublin.—Perhaps this may be thought an improvement on the ſyſtem propoſed.—At any rate, its utility is obvious; for while it impoſes no particular hardſhip, and no expence on thoſe claſſes of individuals, through whoſe hands ſtolen property paſſes, it would put them upon their guard, and promote a greater degree of caution than at preſent prevails ; thereby checking and embarraſſing the tranſactions of thieves, and fraudulent perſons ;—But it would do more :—It would enable Magiſtrates to acquire an accurate knowledge of the number of theſe dealers in every part of the Metropolis, from which infinite advantages would be derived to the public in the prevention of crimes, as well as with a view to further regulations, if they ſhall be thought neceſſary.—Several of theſe claſſes of dealers make immenſe profits, and could well afford to pay a moderate licence duty, which would raiſe a ſum of money equal to all the expences of the Police Syſtem.

In that caſe, the object will be attained---and all the bleſſings which ariſe from applicable and appoſite laws, directed to the purpoſe of ſuppreſſing and preventing crimes, will be extended to the inhabitants of this great Metropolis; with the advantage of that protection* which muſt ariſe from a combined ſyſtem of police, executed with purity and diſcretion, under the guidance of *an able Superintendance*, and an *active* and *indefatigable Magiſtracy*.

* In mentioning what regards the protection of the Metropolis, it is impoſſible to overlook thoſe eminent advantages which have ariſen from that excellent *inſtitution of the Light Horſe Volunteers, under the Command of Lieut. Colonel Herries.*

To this reſpectable Corps of Patriotic individuals, the inhabitants of the Metropolis are under infinite obligations.

Regardleſs of their own *eaſe, convenience, intereſt*, or *perſonal ſafety*, the members of this public-ſpirited aſſociation, have ever ſtood forward in the hour of tumult and diſorder; gratuitouſly and at their own expence, for the protection of their fellow-citizens, and for the preſervation of the public peace.

The aſſiſtance they have, on every occaſion, afforded the civil power, and the ſacrifices of valuable time which they have made, at the riſque of health, and under circumſtances where they were compelled to forego that eaſe and comfort which, from their opulence and rank in life, is attached to their particular ſituations—it is to be hoped will never be forgotten by a grateful public.

Their great reſpectability, joined to the ſpirit of independence and firmneſs of mind, which they have, on every occaſion, manifeſted, was of infinite ſervice in repreſſing the tendency to tumult and diſorder, which prevailed in 1794, and 1793; which, but for this powerful antidote, might have riſen to a very alarming height.

Nor have theſe patriotic gentlemen been merely ſatisfied with the various ſacrifices, for the public good, which have already been detailed—forgetting the expence of ſupporting a military eſtabliſhment, unparallelled with regard to its *high ſtyle of equipment*: when a call was made on the feelings of humanity, they were among the firſt as a public body, independent of parochial ſubſcriptions, who opened their purſes for the relief of many of thoſe deluded individuals, whoſe miſguided phrenzy had occaſioned them ſo much trouble. It is to be hoped, that an Inſtitution which has afforded ſo many benefits in protecting the Metropolis from *danger*, and the deluded multitude againſt *puniſhment*, by the prevention of crimes, will ever retain that laudable ſpirit by which it is at preſent animated; and which has conferred ſo much honour upon all its members.

CHAP. XIV.

On Municipal Police.—The unparalleled Extent and Opulence of the Metropolis, manifeſted in the number of ſtreets, lanes, alleys, courts and ſquares, eſtimated at above 8000 *;—containing ;—*502 *Churches and Places for religious Worſhip ;—*4050 *Seminaries of Education ;—*8 *Inſtitutions for promoting Religion and Morality ;—*10 *Societies for promoting Learning and the uſeful and fine Arts ;—*122 *charitable aſylums for the indigent and forlorn ;—*31 *Hoſpitals and Diſpenſaries for the lame, ſick and diſeaſed ;—and* 704, *Inſtitutions for Charitable and Humane Purpoſes.—An Eſtimate of the Amount of the annual Expences of the Poor in London,* £750,000 *a year.—A detail of the Courts of Law, and other eſtabliſhments connected with the diſtribution of Juſtice.—The public priſons in the Metropolis.—A View of the number of perſons employed in the different departments of the Law, eſtimated in all at* 7040.*—Suggeſtions for improving the civil Juriſprudence in the Metropolis, ſo far as relates to the recovery of Small Debts.—The Evils ariſing from the preſent Syſtem, exemplified in the multitude of actions for trivial Sums in the courſe of a year ; the enormous expence, and the ill effects of the ſeverity of the puniſhment in ſuch caſes ; debaſing the mind, and proving the deſtruction of many families, both in their morals and utility to the State. The neceſſity of an Alteration of the Syſtem, further enforced by the propriety of relieving the ſupreme Judges from a weight of labour, unreaſonable in the vaſt increaſe of buſineſs, which the extenſive and growing intercourſe of commerce occaſions. The ſame Obſervations extended to the great Offices of State ; and the neceſſity and utility of a diviſion of labour, in proportion to the increaſe of public duty, explained, as a means of preventing incon-*

veniencies. A View of the municipal Regulations which have been eſtabliſhed in the Metropolis for the accommodation and convenience of the inhabitants; grounded on various acts of the Legiſlature, paſſed at different periods, during the laſt and the preſent century. Each Diſtrict of the Metropolis a ſeperate Municipality; where the power of aſſeſſing the inhabitants for the purpoſes of paving, watching, lighting, cleanſing, and removing nuiſances, is placed in the hands of Truſtees, under a great number of local acts of Parliament. Theſe regulations moſtly founded on Laws made in the laſt and the preſent Reigns. The principal public acts detailed, viz.—The General Act of the 2d William and Mary, cap. 8, for paving the Metropolis;—the 10th Geo. IId. cap. 22, for watching the city of London;—11th Geo. IId. cap. 29, for removing ſigns, and eſtabliſhing a complete ſyſtem of municipal Police.—The Acts relative to Weſtminſter and Southwark for ſimilar purpoſes.—The Statutes relative to Common Sewers detailed; their origin, and the great advantages reſulting from them.—The Laws relative to Hackney Coaches and Chairs—alſo to Carts and other Carriages.—The Acts relative to Watermen on the Thames.—The Law for reſtraining Bullock-hunting. And finally, the Regulations by the 14th Geo. IIId. cap. 78, relative to the Mode of building Houſes, and the Rules laid down for extinguiſhing Fires. Concluding Obſervations, on the advantages which would reſult to the Metropolis at large from theſe numerous acts of Parliament being rendered uniform, and conformable to the excellent regulations eſtabliſhed for the City of London.—The advantages of ſimplifying the Syſtem.—The burden upon the inhabitants equal to one million a year for the expence of Municipal Police.—Suggeſtions for improving the ſyſtem and reducing this expence.—Concluding Reflections.—The preſent epoch, more than any other, preſſes for arrangements calcu-

lated to amend the morals of the people, by improving the Laws of the Country.

IT cannot fail to prove an intereſting enquiry, not only to the inhabitants of the Metropolis, but alſo to ſtrangers, by what means that department of its œconomy and government, which may be denominated *Municipal Police*, is regulated; ſo as to convey the comforts, and procure the various accommodations and conveniencies, which, with ſome exceptions, are felt to exiſt in every part of the Capital and its environs.

When it is known that this great City, (unparalleled, as will be hereafter ſhewn, in extent and opulence, through the whole habitable globe,) comprehends, beſides London, Weſtminſter, and Southwark, no leſs than forty-five villages, now exceedingly enlarged, independent of a vaſt acceſſion of buildings upon the open fields in the vicinity; it becomes leſs a matter of ſurpriſe, to learn, that it extends to nearly eight miles in length,—is three miles at leaſt in breath, and not leſs than twenty-ſix in circumference; containing above eight thouſand ſtreets, lanes, alleys, and courts, and more than ſixty-five different ſquares; in which are more than one hundred and ſixty-two thouſand houſes, warehouſes, and other buildings; beſides the following CHURCHES and CHAPELS for religious worſhip, viz.

For religious inſtruct.

Of the eſtabliſhed Religion,	1 Cathedral, dedicated to St. Paul	
	1 Abbey Church Weminſt. Abbey	
	114 Pariſh Churches	
	130 Chapels, and Chapels of Eaſe	
	246	Carried over,

For religious Inſtructions.

Brought over	246	
Meeting-houſes for Diſſenters,	207	Conſiſting of 82 Chapels for Non-conformiſts and Preſbyterians; 56 for Independents of different claſſes; 23 for Anabaptiſts; 32 for Quakers; 6 for Non-jurors; 4 for Muggletonians; and 4 for Roman Catholics.
Chapels and Meeting-houſes for foreigners,	43	Conſiſting of 8 Chapels for French Proteſtants; 8 for Germans; 6 for Dutch; 3 for Swediſh; 4 for Daniſh; and 4 for Helvetic Proteſtants; 6 for Roman Catholics; and 4 for thoſe of the Ruſſian or Greek Church
Synagogues	6	For the Jewiſh Religion
Total	502	*Places of Public Worſhip.*

The inhabitants of this great metropolis, occupying theſe various houſes and buildings, are eſtimated during the ſitting of Parliament, at *one million two hundred and fifty thouſand ſouls*; for whoſe accommodation, convenience, and ſecurity, the following Inſtitutions have been formed, *namely*,—1ſt. *For Education*;—2d. *For promoting good Morals*;—3d. *For uſeful and fine Arts*;—4th. *For Objects of Charity and Humanity*;—5th. *For diſtributing Juſtice*;—*and* 6th. *For puniſhing Offenders.*

EDUCATION.

1ſt. For education.

16 Inns of Court and Chancery, for educating Students to the profeſſion of the Law, &c. &c.

5 Colleges—viz. One for the Improvement of the Clergy, London Wall; one for Divinity and Aſtronomy, called Greſham College; one for Phyſicians, Warwick Lane; one for the ſtudy

1st. For Education.

of Civil Law, Doctors Commons; and the Heralds College.

62 Schools, or public Seminaries; the principal of which are Weſtminſter School, Blue-coat School, St. Pauls, Merchant Taylors, Charter-houſe, St. Martins School, &c. &c. &c. where about 5000 young perſons are educated.

237 Schools belonging to the different Pariſhes; where about 9000 male and female Children are educated in Reading, Writing, and Accompts.

3730 Private Schools, for all the various branches of male and female Education; including ſome for deaf and dumb.

4050 Seminaries of Education.

MORALS.

2d. For promoting good Morals.

1 The Society for giving effect to his Majeſty's proclamation againſt Vice and Immorality;—*Inſtituted* - - 1787

2 The Society for promoting Chriſtian Knowledge, Bartlett's Buildings, 1699

3 The Society for propagation of the Goſpel in Foreign Parts, Deans Yard, Weſtminſter, 1750

4 The Society for promoting Religious Knowledge, by diſtributing books among the poor - - - 1750

5 The Society for promoting Charity Schools in Ireland, Merchant Seaman's Office

6 The Society for Religious Inſtruction to the Negroes in the Weſt Indies 1793

7 The Society for the encouragement of Morality among Servants 1792

8 The Society for preventing crimes, by proſecuting Swindlers, Sharpers, and Cheats; Gough-ſquare, Fleet-ſtreet 1776

THE ARTS.

3d. For Learning, and the useful Arts.

1 Royal Society, incorporated for promoting useful knowledge;—*Inſtituted* 1663
2 Antiquarian Society, Somerſet Place 1751
3 Society or Truſtees of the Britiſh Muſeum 1753
4 Society of Artiſts of Great Britain, Strand 1765
5 Royal Academy of Arts, Somerſet Place 1773
6 Society for the encouragement of learning, Crane Court, Fleet-ſtreet.
7 Society for encouragement of Arts, Manufactures, and Commerce, Adelphi Buildings
8 Medical Society, Crane Court, Fleet-ſtreet
9 Society for the improvement of Naval Architecture
10 Veterinary College, near St. Pancraſs Church.

ASYLUMS.

4th Aſylums for the Indigent and Helpleſs.

107 Alms-houſes endowed at different periods, where 1352 old men and women are ſupported; the principal of theſe houſes are *The trinity Alms-houſes*, for 28 decayed Ship Maſters, in Mile End;—*Bancroft's Alms-houſes*, Mile End, for for 24 Poor Men;—*Fiſhmongers' Alms-houſes*, Newington Butts;—*Haberdaſhers' Alms-houſes*, in Hoxton;—*Jeffries' Alms-houſes*, Kingſland Road;—and *Sir John Morden's College*, for dedecayed Merchants, at Blackheath.
1 London Workhouſe, Biſhopſgate-ſtreet, for decayed old Men*.
1 Bridewell Hoſpital, an Aſylum for Apprentices to different trades, Bridge ſtreet Blackfriars
1 Charter-houſe Hoſpital, an Aſylum for 80 indigent perſons, in Charter-houſe Square, *founded* - - - 1611
1 Scottiſh Hoſpital, for decayed natives of Scotland, in Crane Court, Fleet-ſtreet
1 Welch Hoſpital, for decayed Natives of Wales, in Grays Inn Lane

112 Carried over.

* London Workhouſe is a large building, which might, with great advantage, be turned into a houſe of induſtry or penitentiary houſe for ſmall offenders, for which purpoſe it was uſed in ancient times. Although it is ſaid to be ſufficient to lodge about 500 people, it is now uſed only as an aſylum for a few old perſons; and is a ſinecure for the Keepers and Officers, who live comfortably as the ſervants of the Community without doing any good. This houſe is amply endowed by a power of levying contributions on all the pariſhes for its ſupport.

112 Brought over.

4th. Asylums for the Indigent and Helpleſs.

1 French Hoſpital, for decayed Frenchmen, in St. Luke's, Middleſex - 1719
1 Foundling Hoſpital, for deſerted infants, Lambs-conduit-ſtreet - - 1739
1 Aſylum for poor friendleſs, deſerted girls under twelve years of age, Vauxhall Road 1758
1 Magdalen Hoſpital, for the admiſſion of feduced females, St. George's Fields 1769
1 Orphan Working School, being an aſylum for poor neceſſitous Children of Diſſenters, City Road
1 Philanthropic Society, St. George's Fields, for children of criminal parents, and young dulinquents
1 Freemaſons' School, for educating female Orphans, St. George's Fields 1788
1 Chelſea Hoſpital for worn-out and diſabled ſoldiers - - 1670
1 Greenwich Hoſpital, for worn-out and diſabled ſeamen - - 1694
1 Marine Society, for educating poor deſtitute boys to the ſea, in Biſhopſgate-ſtreet 1756

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ASYLUMS FOR SICK, LAME, DISEASED, AND FOR POOR PREGNANT WOMEN.

Hoſpitals for ſick, lame, diſeaſed, and pregnant women.

1 St. Bartholomew's Hoſpital in Weſt Smithfield, for the reception of afflicted and diſeaſed perſons 1539
2 St. Thomas's Hoſpital Southwark, for the reception of ſick and lame, eſpecially ſailors 1553
3 Guy's Hoſpital, Southwark, for ſick and impotent perſons; and lunatics 1721
4 London Hoſpital, Whitechapel Road, for the reception of all perſons meeting with accidents 1740
5 St. George's Hoſpital, Hyde Park Corner for the reception of ſick and lame 1733
6 Weſtminſter infirmary, James-ſtreet, Weſtminſter for ſick and diſeaſed perſons 1719
7 Middleſex Hoſpital, Charles-ſtreet, near Oxford-ſtreet, for ſick and lame, and pregnant women 1745

Hſpitals for ſick, lame, diſeaſed, and Pregnant women.

8 Lock Hoſpital, Hyde Park Turnpike, for perſons afflicted with the venereal diſorder 1746
9 Smallpox Hoſpital, St. Pancraſs, for Inoculation of poor perſons 1746
10 London Lying-in Hoſpital, Alderſgate-ſtreet, for poor *married* women 1750
11 City of London Lying-in Hoſpital, Old-ſtreet, City Road *Idem* 1751
12 Lying-in Hoſpital, Bronlow-ſtreet, Long-Acre, *id.* 1749
13 Lying-in Hoſpital, Surrey Road, Weſtminſter Bridge, for poor pregnant women *generally*
14 Lying-in Hoſpital, Bayſwater Hall, Oxford Road, *id.*
15 Lying-in Hoſpital, Store-ſtreet, Tottenham Court Road, *idem.*
16 Bethlem Hoſpital, for Lunatics, Moorsfields 1753
17 St. Luke's Hoſpital, for Lunatics, Old-ſtreet Road 1751

DISPENSARIES.

Diſpenſaries for ſick, lame, and diſeaſed.

1 Eaſtern Diſpenſary, Whitechapel
2 Middleſex Diſpenſary, Great Ailiff-ſtreet
3 London Diſpenſary, Primroſe-ſtreet, Biſhopſgate-ſtreet
4 New Finſbury Diſpenſary, Featherſtone Buildings, St. John's-ſq.
5 Finſbury Diſpenſary, Roſamond Row, Clerkenwell
6 General Diſpenſary, Alderſgate-ſtreet
7 Public Diſpenſary, Cary-ſtreet, Lincoln's inn-fields
8 Infant Poor Diſpenſary, Soho-ſquare
9 St. James's Diſpenſary, Berwick-ſtreet, Soho-ſq.
10 Weſtminſter Diſpenſary, Gerard-ſtreet, Soho-ſq.
11 Mary le-bone Diſpenſary, Wells-ſtreet, Oxford-ſtreet
12 Oſſulſton Diſpenſary, Bow-ſtreet, Bloomſbury
13 Surrey Diſpenſary, Union-ſtreet, Borough

Inſtitution for Charitable and Humane Purpoſes.

1 Society for delivering married women in their own habitations, by whom 30 midwives are employed, No. 18, Strand *inſtituted* 1757
1 Humane Society, for the recovery of drowned and ſuffocated perſons, Spital-ſquare
1 Society for the Relief of Clergymen's Widows, Paper Buildings, Temple
1 Society for the Relief of Widows, and Orphans of Medical Men
1 Laudable Society, for the benefit of Widows, Crane Court, Fleet-ſtreet
1 Society for the ſupport of Widows, Surrey-ſtreet Strand
1 Society for the ſupport of poor artiſans and their widows, Strand
1 Society for the ſupport of Widows of poor Muſicians
1 Society for Annuities to Widows, Old Fiſh-ſtreet, St. Paul, No. 25
1 Society for the Relief of ſick and maimed ſeamen in the Merchants' Service
1 Society for the Relief of poor Widows and Children of Clergymen 1792
1 Freemaſons' Charity
1 Society for the Relief of Perſons confined for Small Debts, Craven-ſtreet, Strand 1792
91 Public Companies in the City of London, who give in Charity above £75,000. a year
600 Friendly Societies in the Metropolis and its vicinity, now incorporated by act of Parliament, compoſed of mechanics and labouring people; who diſtribute to ſick members and for funerals, raiſed by monthly payments, about £36,000 a year

Reflecting on theſe various laudable inſtitutions, unparallelled in point of extent, as well as munific nce, the mind is loſt in aſtoniſhment, that greater and more extenſive benefits have not ariſen to the inhabitants of the metropolis; not only in improving their morals, but in preventing the loweſt orders of the people from ſuffering that extreme miſery and wretchedneſs which is no where exhibited in ſo great a degree as in London;—This aſtoniſhment

will no doubt be (if poſſible) conſiderably augmented, on peruſing the following eſtimate of the legal aſſeſſments, and voluntary contributions for the poor; together with the benevolent inſtitutions and eſtabliſhments for their comfort and convenience; and the addition of private charities, *viz.*

1ſt. For Poor-rates	London	£70,000 0 0	
	Weſtminſter	64,000 0 0	
	Middleſex, adjoining London	86,000 0 0	
	Surrey, *idem*	25,000 0 0	
Total for the Metropolis about			245,000 0 0
2d. Supporting Charity Schools for educating the poor			10,000 0 0
3d. Aſylums for the relief of objects of charity and humanity, &c. ſupported by annual contributions, eſtimated at			25,000 0 0
4th. Aſylums, Hoſpitals, and Diſpenſaries, for the ſick, lame, diſeaſed, and afflicted, at			50,000 0 0
5th. Inſtitutions for benevolent, charitable, and humane purpoſes, 704 ſocieties, at			120,000 0 0
6th. Private Charities			150,000 0 0
7th. To which add the endowed Eſtabliſhments eſtimated at			150,000 0 0
Total Eſtimate per annum,			£750,000 0 0

When it is alſo recollected, that large ſums are annually expended by Societies inſtituted for promoting religion, virtue, and good morals, it muſt be evident, as the miſeries of the poor do not appear to alleviated, and their morals grow worſe—that there muſt be ſome cauſe to produce effects ſo oppoſite to what might have been expected from ſuch unparallelled philanthrophy; the cauſe, indeed, may eaſily be traced to that evident deficiency in the general ſyſtem of Police, which has ſo often been mentioned in the courſe of this Work.

In the next place, it may be uſeful, and certainly cannot be improper, in a Treatiſe on the Police, to inſert a brief detail of the different Courts of Law, and public Priſons, eſtabliſhed in the metropolis; for the diſtribution of juſtice, and the puniſhment of delinquents, for civil as well as criminal offences; together with the number of profeſſional men attached to theſe various law eſtabliſhments.

COURTS OF JUSTICE IN THE METROPOLIS.

Supreme Courts.

- The High Court of Parliament
- The houſe of Lords; being the Appeal in the laſt reſort in all Cauſes criminal and civil
- The Court of Exchequer-Chamber, before which Writs of Error are brought on judgments in the King's Bench and other Courts; it is compoſed, in certain caſes, of all the Twelve Judges, and the Lord Chancellor: but ſometimes of a ſmaller number
- The High Court of Chancery—at Weſtminſter Hall and Lincoln's Inn Hall
- The Court of King's Bench, held in Weſtminſter Hall
- The Court of Common Pleas, held in Weſtminſter Hall
- The Court of Exchequer—a Court of Law, Equity and Revenue; held at Weſtminſter Hall and Serjeant's Inn
- The Court of Appeals in Colonial and Prize Cauſes; before the Lords of his Majeſty's Privy Council at White Hall
- The high Court of Admiralty, for Prizes, &c. at Doctors' Commons; and in criminal caſes, twice a year at the Old Bailey.

Four Eccleſiaſtical courts. (Doctors' Commons)

- Prerogative court, for Wills and Adminiſtrations
- Court of Arches, for Appeals from inferior Eccleſiaſtical courts in the Province of Canterbury: the Court of Peculiars is a branch of this court
- Faculty court, to grant diſpenſations to marry
- Court of Delegates for Eccleſiaſtical affairs

The court of Oyer and Terminer, and Gaol-Delivery for trying criminals at the Juſtice Hall, Old Bailey — Held by his majeſty's commiſſion to the Lord Mayor judges recorder and common ſerjeant, &c.

COURTS OF JUSTICE IN THE METROPOLIS.

Seventeen Courts in the City of London.

- **Court of Huſtings** — The Supreme court of the city for pleas of land, and common pleas
- **The Lord Mayor's court** — For actions of debt and treſpaſs, and for appeals from inferior courts, and for foreign attachments; giving deciſions in all caſes whatſoever, in 14 days, at an expence not exceeding thirty ſhillings; Held in the King's Bench, Guildhall, by the Lord Mayor, Recorder, and Aldermen.
- **Court of Requeſts** — Held by two Aldermen and four Members of the common council, appointed by the Lord Mayor and Aldermen; three of whom form a count for the recovery of ſmall debts under 40s. at the expence of 10d.
- **Chamberlain's court** — Held every day, to determine differences between maſters and apprentices; and to admit thoſe qualified to the freedom of the city.
- **Sheriff's court** — Held every Wedneſday, Thurſday, Friday and Saturday, at Guildhall; where actions of debt and treſpaſs, &c. are tried by the Sheriff, and his deputy, who are Judges of the court.
- **Court of Orphans** — Held before the Lord Mayor and Aldermen, as guardians of the children of deceaſed freemen under twenty-one years of age, &c.
- **Pie Poudre court** — Held by the Lord Mayor and Stewards, for adminiſtering inſtantaneous Juſtice between buyers and ſellers, at Bartholomew Fair; to redreſs all ſuch diſorders as may ariſe there.
- **Court of conſervancy** — Held by the Lord Mayor and Aldermen four times a year, in Middleſex, Eſſex, Kent, and Surrey; who enquire by a jury, into abuſes relative to the fiſhing on the River Thames; and redreſs the the ſame from Staines' bridge *Weſt* to Yenfleet *Eaſt*.

COUTRS OF JUSTICE IN THE METROPOLIS.

Seventeen Courts in the City of London.

- Court of Lord Mayor and Aldermen, Court of common council—court of common-hall. court of Wardmotes — These relate to ſetting the aſſize on bread and ſalt—to the municipal officers of the city to the elections—of Lord Mayor, Sheriffs, and Officers of the city, and to the management of the public property of the city, and removing nuiſances. The Wardmotes are held chiefly for the election of Aldermen and common councilmen.
- General and Quarter Seſſions of the Peace, held by the Lord Mayor and Aldermen, eight times a year
- Petty Seſſions for ſmall offences, &c. held at the Manſion Houſe by the Lord Mayor, and one Alderman: and at Guildhall by two Aldermen in rotation. — Daily in the forenoon
- Coroners' court — To enquire into the cauſes of ſudden deaths, when they ariſe.
- Court of the Tower of London — Held within the verge of the city by a Steward, appointed by the conſtable of the Tower; before whom are tried actions of debt, treſpaſſes, and covenants.

COURTS OF JUSTICE IN THE METROPOLIS.

Courts of Juſtice within the City and Liberty of Weſtminſter.

Court of the Dutchy of Lancaſter	A ſupreme court of Record, held in Somerſet Place, for deciding by the Chancellor of the ſaid Dutchy, all matters of law or equity belonging to the County Palatine of Lancaſter
Quarter Seſſions of the Peace	A court of Record, held by the Juſtices of the city and Liberty of Weſtminſter, four times a year, at the Guildhall, Weſtminſter, for all treſpaſſes, petty larcenies, and other ſmall offences, committed within the city and liberty
Weſtminſter court	Or court Leet, held by the Dean of Weſtminſter, or his Steward for chuſing parochial officers, preventing and removing nuiſances, &c.
Court of Requeſts, Caſtle ſtreet, Leiceſter ſquare	Held by commiſſioners (being reſpectable houſekeepers) for deciding without appeal, all pleas for debts under forty ſhillings. For the pariſhes of St. Margaret, St. John, St. Martin, St. Paul Covent Garden, St. Clement Danes, St. Mary le Strand, and that part of of the Dutchy of Lancaſter which joins Weſtminſter.
Court of Requeſts, Vine ſtreet, Piccadilly	Held in the ſame manner, and for the ſame purpoſes; for the pariſhes of St. Anne, St. George Hanover ſquare, and St. James Weſtminſter.
Petty Seſſions, or Police Court, held at Bow-ſtreet	A court of Petty Seſſions held by two magiſtrates every day, (Sunday excepted) morning and evening, for matters of Police, and various offences, and miſdemeanors, &c.
Police court or petty ſeſſions, held at Queen's ſq. Weſtminſt.	A court of Petty Seſſions eſtabliſhed by act of Parliament, held every day, morning and evening (Sunday excepted) by two magiſtrates, for matters of Police, and various offences, miſdemeanors, &c.
Police court, or petty ſeſſions, held at Gt. Marlborough ſtreet	The ſame.

COURTS OF JUSTICE IN THE METROPOLIS.

Courts of Juſtice in that part of the Metropolis, which lies within the County of Middleſex.

St. Martins-le-Grand Court	*A court of Record*, ſubject to the Dean and Chapter of Weſtminſter, held every Wedneſday, for the trial of all perſonal actions. The proceſs is by a capias againſt the body, or an attachment againſt the goods in this particular liberty.
Eaſt Smithfield court	A court Leet and court Baron, held for this Liberty, to enquire into nuiſances, &c. In the court Baron Pleas are held to the amount of forty ſhillings
Finſbury Court	A court Leet held once a year, by a ſteward of the Lord Mayor, as lord of the manor of Finſbury, for enquiring into thoſe nuiſances competent for Leet Juries, by ancient uſage, and ſwearing in conſtables for the manor
St. Catherine's court	Two courts are competent to be held within this ſmall precinct, for actions of debt and treſpaſs, at St. Catharine's near the Tower
Whitechap. Court	A court held by the ſteward of the manor of Stepney, by whom, and a jury, are tried actions of debt for 5l. and under, &c. &c.
Sheriff's Court	For the county of Middleſex, for actions of debt, treſpaſſes, aſſaults, &c.
Quarter and General ſeſſions of the Peace, and Seſſions of Oyer and Terminer	Held by the Juſtices of the county of Middleſex, eight times a year, at the New Seſſions Houſe, Clerkenwell-Green, for all treſpaſſes, petty larcenies, miſdemeanors, and other offences, &c. and for roads, bridges, and other county affairs
Petty Seſſions, or Police Court eſtabliſhed by act of Parliament	A court of Petty Seſſions, held every morning and evening, (Sunday excepted) by two magiſtrates, at the Public Office, in Hatton Garden, for matters of police and various offences, miſdemeanors, &c.
Petty Seſſion or Police Court	At the Public Office Worſhip-ſtreet, near Finſbury-ſquare, by two Juſtices for objects of Police, &c.

COURTS OF JUSTICE IN THE METROPOLIS.

Courts of Juſt. in the part of the Metropolis lying within the Cty. of Midſx.

Idem	At the Public Office Lambeth-ſtreet, Whitechapel
Idem	At the Public Office, High-ſtreet, Shadwell
Two Coroners' Courts	For enquiring into cauſes of ſudden death
Court of Requeſts	For ſmall debts under 40s. without appeal, held in Fullwood's Rents, Holborn, for the Diviſion of Finſbury
Court of Requeſts	For ſmall debts under 40s. without appeal, held in Oſborn-ſtreet, Whitechapel, by commiſſioners, under the Act of Parliament, choſen annually by the ſeveral pariſhes in the Tower Hamlets
General and Qurter Seſſions of the Peace for the liberty of the Tower of London	Held by the Juſtices of that liberty, 8 times a year for petty larcenies, treſpaſſes, felonies, and miſdemeanors, &c. within that particular diſtrict

Courts of Juſtice in the Borough of Southwark in Surrey.

Court of Record	Held at St. Margaret's Hill, Southwark, by the Lord Mayor's ſteward, for actions of ſmall debt, damages, treſpaſs, &c.
Court of Record	For the Clink Liberty, held near Bankſide in Southwark, by the Biſhop of Wincheſter's ſteward, for actions of debt, treſpaſs, &c. within that liberty.
Marſhalſea Court	A court of Record (or the court of the Royal palace) having juriſdictions 12 miles round Whitehall (excluſive of the city of London) for actions of debts, damages, treſpaſſes, &c. and ſubject to be removed to a higher court of law, when above £5.

COURTS OF JUSTICE IN THE METROPOLIS.

Courts of Justice in the Borough of Southwark, in Surrey.

- Court of Requeſts — For the recovery of ſmall debts under 40s. without appeal, held at St. Margaret's Hill, by commiſſioners choſen under the Act of Parliament, by the different Pariſhes
- Coroners' Court — To enquire into cauſes of ſudden death, in Southwark, &c.
- Quarter ſeſſions of the Peace — Held by the Lord Mayor and Aldermen, at St. Margaret's Hill, for the Borough of Southwark
- Quarter Seſſions of the Peace for the county of Surrey — Held at the New Seſſions Houſe in Southwark, by the Magiſtrates of the County of Surrey
- Petty ſeſſions or Police Court, eſtabliſhed by Act of Parliament — A court held every morning and evening, by two Juſtices, at the Public Office, Union Hall, Union ſtreet, Southwark, for objects of police, &c.

Priſons in th Metropolis.

1. King's Bench Priſon, for debtors on proceſs or Execution in the King's-Bench, &c. St. George's fields
2. Fleet Priſon, for debtors on proceſs, &c. in the Common Pleas, &c. Fleet Market
3. Ludgate Priſon, Biſhopſgate-ſtreet
4. Poultry Compter, in the Poultry
5. Giltſpur-ſtreet Compter, Giltſpur-ſtreet

   (3, 4, 5: For the City of London.)
6. Newgate, or city and county gaol, Old Bailey
7. New-Priſon, Clerkenwell—Gaol for the County of Middleſex
8. Priſon for the Liberty of the Tower of London, Well-cloſe-ſq.
9. Whitechapel Priſon for debtors, in the five pound court
10. Savoy Priſon, for deſerters and military delinqnents

Houſes of Correction.

11. City Bridewell—Bridewell, Bridge-ſtreet, Blackfriars
12. Tothill Fields Bridewell—Tothill Fields
13. Spa fields Penitentiary Houſe
14. New Bridewell in the Borough of Southwark
15. County Gaol for Surrey, in the Borough of Southwark
16. Clink Gaol in ditto
17. Marſhalſea Gaol, in the Borough, for Pirates, &c.
18. New Gaol, in the Borough

Nothing, perhaps, can manifeſt, in a greater degree, the increaſed commerce and population of the metropolis of the Empire, than the following ſummary detail of the different claſſes of profeſſional

men connected with the various departments of the Law.

It appears from the preceding Statements, that there are in the metropolis.

	The Supreme Courts; to which are attached	270	officers
4	Eccleſiaſtical courts - -	54	do.
18	Inferior courts for ſmall Debts	146	do.
1	Court of Oyer and Terminer, and Gaol Delivery	27	do.
4	Courts of General and Quarter Seſſions of the Peace -	46	do.
10	Courts and Petty Seſſions for purpoſes of Police - - -	190	do.
	5 Coroners' Courts	20	do.
		753	
	King's Serjeants, Attorney and Solicitor General, and King's Advocate	8	
	Serjeants at Law - - -	12	
	Doctors of Law - -	14	
	King's Counſel - -	25	
	Maſters in Chancery - -	12	
	Barriſters at Law - - -	416	
	Special Pleaders - -	50	
	Proctors in Doctors' Commons -	54	
	Conveyancers - -	33	
	Attorneys at Law in the different Courts	1920	
	Clerks, Aſſiſtants, and others, eſtimated at	3700	
	Notaries Public - -	88	
	Total	7040	

It is impoſſible to contemplate this view of a very intereſting ſubject, without being forcibly ſtruck with the vaſt extent of the wealth and commercial intercourſe of the country, which furniſh advantageous employment for ſuch a multitude of individuals in one particular profeſſion. Every good man, and every lover of his country, muſt anxiouſly wiſh that the advantages may be reciprocal; and that men of talents, integrity, and ability, in the profeſſion of the Law, will lend their aid in procuring the removal of the inconveniencies at preſent felt in the recovery of ſmall debts. This is peculiarly irkſome to every well diſpoſed perſon, who, in the courſe of buſineſs, having tranſactions with the maſs of mankind, cannot avoid frequently meeting with bad or

litigious characters, by whom disputes are unavoidably generated.

According to the prevailing System, if the debt exceeds 40s. the action may be brought in a superior Court, where, if contested or defended, the expence at the lowest computation, must be upwards of fifty pounds. Prudent men, under such circumstances, will forego a just claim upon another, or make up a false one upon themselves, as by far the least of two evils, in all cases where they come in contact with designing and bad people; and hence it is, that the worthless part of mankind, availing themselves in *Civil*, as others do in *Criminal cases*, of the imperfections of the Law, forge these defects into a rod of oppression, either to defraud the honest part of the Community of a just right, or to create fraudulent demands, where no right attaches; merely because those miscreants know that an action at law, even for 20l. cannot either be prosecuted or defended, without sinking three times the amount in Law expences; besides the loss of time, which is still more valuable to men in business.

To convince the reader that this observation is not hazarded on weak grounds, and that the evil is so great as to cry aloud for a remedy, it is only necessary to state, that in the County of Middlesex alone, in the year 1793, the number of bailable writs and executions, for debts from *Ten* to *Twenty* pounds, amounted to no less than 5719, and the aggregate amount of the debts sued for was £ 81,791.

It will scarcely be credited, *although it is most unquestionably true*, that the mere costs of these actions, although made up, and not defended at all, would amount to 68,728l. — And if defended, the aggregate expence to recover 81,721l. must be — (*strange and incredible as it may appear*), no less than 285,950l! being considerably more than three times the amount of the debts sued for.

The mind is loſt in aſtoniſhment at the contemplation of a circumſtance, marking, in ſo ſtrong a degree, the deficiency of this important branch of the juriſprudence of the country.

Through this new medium we diſcover one of the many cauſes of the increaſe of crimes.—And hence that caution which men in buſineſs are compelled to exerciſe (eſpecially in the Metropolis) to avoid tranſactions with thoſe who are ſuppoſed to be devoid of principle.

Whenever the Laws cannot be promptly executed at an expence, that will not reſtrain the worthy and uſeful part of the Community from following up their juſt rights, bad men will multiply. The morals of the people will become more and more corrupted, and the beſt intereſts of the State will be endangered.

In a political, as well as in a moral point of view, it is an evil that ſhould not be ſuffered to exiſt; eſpecially when it can be demonſtrated, that a remedy may be applied, without affecting the pecuniary intereſt of the more reputable part of the profeſſion of the law, while it would unqueſtionably produce a more general diffuſion of Emolument.

If, inſtead of the various inferior Courts for the recovery of debts, (excluſive of the Courts of Conſcience) which have been mentioned in this Chapter, and which are of very limited uſe on account of appeals lying in all actions above 5l.—the Juſtices, in General Seſſions of the Peace, *eſpecially commiſſioned*, were to be empowered to hear and determine *finally, by a Jury*, all actions of debt under 50l. and to tax the Coſts *in proportion to the amount of the Verdict*, great benefits would reſult to the public. *At preſent, the rule is to allow the ſame coſts for forty ſhil-*

*lings as for ten thouſand pounds !**—It depends only on the length of the pleadings, and not on the value of the action.

Humanity, Juſtice, and Policy, plead for an improvement of the ſyſtem; more particularly when it is recollected that, between *Six* and *Seven Thouſand* unfortunate perſons are arreſted annually on *meſne proceſs* in Middleſex alone, one half of whom are for debts *under twenty pounds*. In the kingdom at large, the number is not leſs than *Forty Thouſand* for trifling debts in the courſe of a year !—The unavoidable expence, therefore, at the loweſt computation, is a moſt grievous burden, which, on many occaſions, ſends both the plaintiff and defendant to a gaol for the Attorney's bills, to the total ruin of themſelves, and often to the deſtruction of their families.

The evil, in this view, is exceedingly prominent.—It involves in it conſequences which trench upon the beſt intereſts of the Country.—The miſchief increaſes, unperceived by the people at large, and remedies are not applied; becauſe few men will ſubject themſelves to inveſtigations of great labour, without which facts are not to be obtained; and without facts it is impoſſible to reaſon with accuracy, or to draw juſt concluſions upon any ſubject.

* The following authentic table, divided into four Claſſes, will ſhew in forcible colours, the evils which ariſe from there being no diſtinction between the value of one action and another in ſettling the coſts.—In the county of Middleſex, in the year 1793, the actions for recovering debts ſtood thus:

Claſſes.	From £ £	Number of writs.	Bailable.	Executions.	Coſts of Actions undefended at £12 each.	Coſts of Actions defended at £50 each	Net Amount of Debts ſued for.
1	10 to 20	5719	4966	753	£.68728	£285950	£81791
2	20 to 30	2267	1878	389	21090	113350	85675
3	30 to 100	4367	2492	1875	52404	238350	237358
4	100&upw.	2324	1769	555	27160	116200	1010379
		14677	11105	3572	£160382	£753850	£1385203

Thus it appears, that upwards of one million of money, in the 4th claſs, is recovered at conſiderably leſs than half the expence of 81,791l. in the firſt claſs

It will be found, upon enquiry, that the miſeries of a Gaol, by which the inferior orders of the people are often puniſhed, do not ſo frequently attach to the worthleſs and profligate part of the Community, as to thoſe who have been uſeful members of the State—Like the adroit thief, encouraged to proceed by many eſcapes, Knaves are ſeldom victims to the Severity of the Law.—The innocent and often the induſtrious, unſkilled in the tricks and artifices which bad men purſue to rid themſelves of incumbrances, (for which there is abundant reſource in the chicane of the Law,) are generally the ſufferers.

To incarcerate one member, of the body politic, whoſe misfortunes and loſſes may have ariſen from crediting another, who is relieved by a Commiſſion of Bankruptcy*, becauſe his debts amounted to more than £100. ſeems not well to accord with juſtice, humanity, or State policy. It debaſes the minds of thouſands whoſe conduct never deſerved ſuch a fate—who were from the nature of their dealings, *although ſmall*, entitled, upon the principle adopted by the Legiſlature, to the ſame relief which is extended to the higher claſſes by whom they often ſuffer—and ſometimes too by the moſt worthleſs and depraved.—While no good can ariſe from their con-

* It is to be obſerved, that the Debtors compriſed in the firſt three claſſes mentioned in the foregoing note page 306, are generally the objects of impriſonment; while the bankrupt-laws relieve the fourth, the inſolvency of which claſs generally produces the diſtreſs of the others; who muſt languiſh in a gaol and ſuffer a ſevere puniſhment, although it is clear to demonſtration, that the Debtor for *ninety-nine* pounds is equally an object of commiſeration as another whoſe debts amounts to *one hundred*; and almoſt in the ſame degree ſubject to accident and misfortunes.

Under a ſyſtem ſo contrary to reaſon, and ſo ſhocking to humanity, too much praiſe cannot be beſtowed on the founders and ſupporters of the excellent inſtitution for the relief of honeſt, induſtrious perſons impriſoned for ſmall debts.—The immenſe number relieved by this benevolent Society, who have appeared upon enquiry not to have brought misfortunes upon themſelves by imprudence, is one of the ſtrongeſt proofs that can be adduced of the imperfection of the laws; which are tacitly acknowledged to be erroneous, in the caſe of every perſon who is diſcharged by the bounty of the public.

finement, it is thus rendered infinitely more ſevere than that, which is, in many inſtances, inflicted on criminal offenders.—Their labour is loſt to the Community-—Their families are neglected—and perhaps reared up in vice and idleneſs to become nuiſances in ſociety, where they might have been virtuous and uſeful members.

This, therefore, is a moſt important branch of what may be called *Civil Police*, highly deſerving the attention of the Legiſlature; becauſe it is not only contrary to Reaſon, but pregnant with evils which tend to the increaſe of crimes in a greater degree than is generally ſuppoſed.

The extenſive and growing intercourſe in commercial dealings, and the diffuſed ſtate of property muſt, of courſe, progreſſively increaſe the number of appeals to Courts of Juſtice, even under the preſent Syſtem; till at length the duty of the Judges (infinitely more extenſive than their predeceſſors experienced, and increaſing every day will ſo multiply, as to render it an act of great cruelty and injuſtice, not to eaſe them of the unreaſonable labour ariſing from ſmall law-ſuits.

The ſame reaſoning applies to the Members of the Executive Government.—As we advance in riches, population, and crimes, the management of the Country becomes more complicated.—The labour attached to the higher departments of the State of all deſcriptions is infinitely greater than a century ago; and yet there is no increaſe in the number of the firſt executive reſponſible officers.—This, (although it has not heretofore attracted notice,) when duly conſidered, will be found to be a very ſerious misfortune.

The mind, however active or enlightened, can only compaſs certain objects.—It requires relaxation; it cannot always be upon the ſtretch-—There is a point beyond which human exertion cannot go—and hence the neceſſity of the diviſion of labour, in pro-

portion to the increaſe of reſponſible public duty—Wherever this does not take place, the country ſuffers; an unreaſonable burden attaches, by which means matters of great conſequence, to the Community muſt be overlooked, becauſe it is impoſſible to compaſs every thing.

Having thus briefly explained that branch of the Police of the Capital which is connected with the department of the Law, together with ſome of the moſt prominent features of abuſe, which have grown out of the preſent Syſtem; as well as the remedies which have occurred, as apparently beſt calculated, to remove theſe accumulating evils:—It remains now to bring under the review of the Reader, the various *Municipal Regulations*, which have been eſtabliſhed for the comfort, accommodation, and convenience of the inhabitants; and the means uſed in carrying them into execution.

The Metropolis of the empire having been extended ſo far beyond its ancient limits;—every pariſh, hamlet, liberty, or precinct, now contiguous to the cities of London or Weſtminſter, may be conſidered as a ſeparate municipality, where the inhabitants regulate the Police of their reſpective diſtricts, under the authority of great variety of different acts of Parliament; enabling them to raiſe money for paving the ſtreets, and to aſſeſs the houſeholders for the intereſt thereof, as well as for the annual expence of *watching*, *cleanſing*, *and removing nuiſances and annoyances*.—Theſe funds, as well as the execution of the powers of the different acts, (excepting where the interference of Magiſtrates is neceſſary) are placed in the hands of truſtees, of whom, in many inſtances, the Church-wardens, or Pariſh Officers for the time being, are members *ex officio*; and by theſe different bodies, all matters relating to the immediate ſafety, comfort, and convenience of the inhabitants are managed and regulated.

Theſe regulations, however, are moſtly founded upon Statutes made in the laſt and preſent reign.

The act of the 2d of William and Mary, cap. 8, for paving, cleanſing, &c. within the city and liberties of Weſtminſter, and the bills of Mortality, not having been found applicable to modern improvements, new ſyſtems became neceſſary; and an incredible number of private Statutes applicable to the different pariſhes, hamlets, and liberties, compoſing the Metropolis, have been paſſed within the laſt 50 years.

The act of the 10th of Geo. II. cap. 22, eſtabliſhed a ſyſtem for paving, lighting, cleanſing, and watching the city of London: but the ſtatute which removed *ſigns and ſign-poſt*, *balconies*, *ſpouts*, *gutters*, and thoſe other *encroachments* and *annoyances*, which were felt as grievances, by the inhabitants, did not paſs till the year 1771.—The 11th of Geo. III. cap. 29, contains a complete and maſterly ſyſtem of that branch of the Police which is connected with municipal regulations, and may be conſidered as a model for every large city in the empire.—This excellent act extends to every obſtruction by carts and carriages, and provides a remedy for all nuiſances, which can prove, in any reſpect, offenſive to the inhabitants; and ſpecial commiſſioners, called *Commiſſioners of Sewers*, are appointed to enſure a regular execution. It is further improved by the 33d of his preſent Majeſty, cap. 75, by which the power of the Commiſſioners is increaſed, and ſome nuiſances ariſing from Butchers, Duſtmen, &c. further provided againſt.

In the city and liberty of Weſtminſter alſo, many uſeful municipal regulations have been made within the preſent century.—The acts of the 27th of Elizabeth, and 16th of Charles I. (private Acts) divided the city and liberties into 12 wards, and appointed 12 burgeſſes to regulate the Police of each ward; who, with the Dean, or High Steward of Weſtmin-

ſter, were authoriſed to govern this diſtrict of the Metropolis.

The act of the 29th Geo II. cap. 25, enabled the Dean, or his High Steward, to chuſe 80 conſtables in a court leet: and the ſame act authoriſed the appointment of an annoyance Jury of 48 inhabitants, to examine weights and meaſures; and to make preſentments of every public nuiſance, either in the city or liberty.—The act of the 31ſt of Geo. II. cap. 17, and 25, improved the former ſtatute, and allowed a free market to be held in Weſtminſter.—The act of the 2d of George III. cap. 21, extended and improved the ſyſtem for *paving*, *cleanſing*, *lighting*, *and watching* the city and liberty, by including ſix other adjoining pariſhes and liberties in Middleſex: This act was afterwards amended by the 3d of his preſent Majeſty, cap. 23.—The acts 5th Geo, III. cap. 13, 50; 11th Geo. III. cap. 22; and particularly 14th Geo. III. cap. 90, for regulating the nightly Watch and Conſtables, made further improvements in the general ſyſtem; by which thoſe branches of Police in Weſtminſter are at preſent regulated.

In the borough of Southwark alſo, the ſame ſyſtem has been purſued; the acts 28th Geo. II. cap. 9; and 6th Geo. III. cap. 24, having eſtabliſhed a ſyſtem of municipal regulations, applicable to this diſtrict of the Metropolis; relative to *markets*, *hackney-coach ſtands*, *paving*, *cleanſing*, *lighting*, *watching*, *marking ſtreets*, and *numbering houſes*, and placing the whole under the management of Commiſſioners.

In contemplating the great leading features of municipal regulation, nothing places England in a ſituation ſo ſuperior to moſt other countries, with regard to cleanlineſs, as the *ſyſtem of the Sewers*, under the management of ſpecial Commiſſioners, in different parts of the kingdom; introduced ſo early as by Act the 6th Henry VI. cap. 5, and organized by the Acts 6th Hen. VIII. cap. 10: 23d Hen. VIII. cap. 5; and 25th Hen. VIII. cap. 10,—afterwards improved by

the 3d and 4th Edw. VI. cap. 8; 1ſt Mary, ſtat. 3, cap. 11; 13th Elizabeth, cap. 9; 3d James I. cap. 14; and 7th Anne, cap. 10.

Sewers being early introduced into the Metropolis, as well as into other cities and towns—in conſequence of the general ſyſtem, every offenſive nuiſance was removed through this medium, and the inhabitants early accuſtomed to the advantages and comforts of cleanlineſs.

Another feature ſtrongly marking the wiſdom and attention of our anceſtors, was the introduction of *Water*, for the ſupply of the Metropolis, in the reign of James I. in 1604. The improvements which have been ſince made for the convenience of the inhabitants, in extending the ſupplies by means of the New River, and alſo by the acceſſion of the Thames water, through the medium of the London Bridge, Chelſea, York Buildings, Shadwell, and other water works, it is not neceſſary to detail.

The act 9th Anne, cap. 23, firſt eſtabliſhed the regulations with regard to Hackney-Coaches and Chairs, which have been improved and extended by ſeveral ſubſequent Statutes, *viz.* 10 Anne, cap. 10; 12 Anne, ſtat 1, cap. 14; 1 Geo. I. cap. 57; 12 Geo. I. cap. 12; 30 Geo. II. cap. 22; 4 Geo. III. cap. 36; 7 Geo. III. cap. 44; 10 Geo. III. cap. 44; 11 Geo. III. caps. 23, 28; 12 Geo. III. cap. 49; 24 Geo. III. ſtat. 2, cap. 27; 26 Geo. III. cap. 72; 32 Geo. III. cap. 47; 33 Geo. III. cap. 75.

Theſe acts authoriſe *one thouſand coaches*, and *four hundred hackney chairs*, to be licenſed for the accommodation of the inhabitants of the Metropolis; and Magiſtrates, as well as the Commiſſioners, are empowered to decide in a ſummary way, upon all complaints ariſing between coachmen, or chairmen, and the inhabitants, who may have occaſion to employ them.

Carts and other carriages have alſo been regulated by the different acts, *viz.* 1 Geo. I. ſtat. 2, cap.

57; 18 Geo. II. cap. 33; 24 Geo. II. cap. 43; 30 Geo. II. cap. 22; 7 Geo. III. cap. 44; and 24 Geo. III. cap. 27. Theſe Statutes contain a very complete ſyſtem, relative to this branch of Police; by virtue of which all complaints ariſing from offences under theſe acts, are alſo cognizable by the Magiſtrates in a ſummary way.

The act of the 35th of George III. cap. 65, eſtabliſhed an improved ſyſtem, with regard to *Watermen plying on the River Thames*.—The Lord Mayor and Aldermen are empowered to make rules and orders for their government; who, with the Recorder, and the Juſtices of the Peace of the reſpective counties, and places next adjoining to the Thames, have equal juriſdiction in all ſituations between Graveſend and Windſor, to put in execution not only the *laws*, but alſo the rules and orders relative to ſuch watermen, which ſhall be ſent to the ſeveral Public Offices in the Metropolis, and to theClerks of the Peace of the counties joining the Thames, within 30 days after ſuch rules are made or altered. The Magiſtrates have power given them to fine watermen for extortion and miſbehaviour; and perſons refuſing to pay the fares authoriſed by law, may be compelled to do ſo, with all charges, or be impriſoned for a month; and whoever ſhall give a waterman a fictitious name or place of abode, forfeits £5.

Offences relative to the driving of cattle improperly, uſually termed *bullock-hunting*, are alſo determined by the Magiſtrates in the ſame ſummary way, under the authority of an act 21ſt Geo. III. cap. 67; by which every perſon is authoriſed to ſeize delinquents guilty of this very dangerous offence.

The laſt great feature of uſeful municipal Police which the Author will mention, conſiſts in the excellent regulations relative to *buildings*, *projections* and *fires*; firſt adopted after the fire of London in 1666, and extended and improved by ſeveral Acts of Parli-

ament paſſed, from that time down to the 14th of his preſent Majeſty.

This Act of the 14th of George III. cap. 78, which repeals the former Acts, beſides regulating the mode of building houſes in future, ſo as to render them *ornamental*, *commodious*, and *ſecure* againſt the accidents of fire, eſtabliſhed other uſeful rules for the prevention of this dreadful calamity; by rendering it incumbent on Church Wardens to provide one or more engines in every pariſh, to be in readineſs, on the ſhorteſt notice, to extinguiſh fires, and alſo ladders to favour eſcapes: And that every facility might be afforded with regard to water, it is alſo incumbent on the Church Wardens to fix ſtop-blocks and fire-plugs at convenient diſtances, upon all the main pipes within the pariſh; and to place a mark in the ſtreet where they are to be found, and to have an inſtrument or key ready to open ſuch fire-plugs, ſo that the water may be acceſſible on the ſhorteſt poſſible notice. That every thing alſo might be done to enſure diſpatch, the perſon bringing the firſt pariſh engine to any fire is entitled to 30s. the ſecond to 20s. and the third to 10s. paid by the pariſh; excepting in caſes where chimnies are on fire, and then the expence ultimately falls upon the perſon inhabiting the houſe or place where it originated.

This excellent Statute, ſo ſalutary in its effects with regard to many important regulations of Police, alſo obliges all Beadles and Conſtables, on the breaking out of any fire, to repair immediately to the ſpot, with their long ſtaves, and to protect the ſufferers from the depredation of thieves: and to aſſiſt in removing effects, and in extinguiſhing the flames.

Theſe outlines will explain, in ſome meaſure, by what means the ſyſtem of the Police in moſt of its great features, is conducted in the Metropolis—to which it may be neceſſary to add, that the Beadles of each pariſh, are the proper perſons to whom applica-

tion may be made, in the firſt inſtance, in caſe of any inconvenience or nuiſance. The City and Police Magiſtrates, in their reſpective Courts, if not immediately authoriſed, remedy the wrong that is ſuffered, will point out how it may be effected.

It is, however, earneſtly to be wiſhed, that (like the Building Act juſt mentioned,) one general law, comprehending the whole of the excellent regulations made for the city of London, ſo far as they will apply, could be extended to every part of the metropolis, and its ſuburbs; that a perfect uniformity might prevail, in the penalties and puniſhments to be inflicted for the ſeveral offences againſt the comfort or convenience of the inhabitants.—At pr ſent it often happens, that an offence in one pariſh, is no act of delinquency in another.

The great object is to ſimplify every ſyſtem as much as poſſible;—complicated eſtabliſhments are always more expenſive than is neceſſary, and conſtantly liable to abuſes.

The annual expence to the inhabitants, in conſequence of all thoſe municipal regulations juſt detailed, is, perhaps, higher than in any other city in the world——Including the Poors-rate, it amounts, on an average, to full 25 per cent. on the groſs rental of the Metropolis; and is ſuppoſed to exceed one million ſterling a year!

A ſuperintending Police would, in many inſtances, correct that want of intelligence which is apparent, and enlighten the local managers in ſuch a manner, as not only to promote objects of œconomy, calculated to abridge and keep within bounds an enormous and growing expence, but alſo to ſuggeſt improvements by which it might be reduced, and many ſolid advantages be acquired by the Community.

It is impoſſible to examine, with the mind of a man of buſineſs, the various eſtabliſhments which have become neceſſary for promoting the comfort

and convenience of great Societies, without lamenting, in many inſtances, the unneceſſary waſte that prevails, and the confuſion and irregularity which often enſue, merely for want of ſyſtem, judgment, and knowledge of the ſubject.

Various, indeed, are the evils and diſorders which time engenders, in every thing connected with the affairs of civil Society, requiring a conſtant and uniform attention; *increaſing* as the preſſures *increaſe*, for the purpoſe of keeping them within bounds; that as much happineſs and comfort may be extended to the people as can poſſibly ariſe from regulations founded on *great intelligence*, the reſult of *indefatigable labour*, and *much zeal* for the public good.

We are arrived at an epoch full of difficulties and dangers, producing wonderful events, and ſtill pregnant with conſequences, in their nature, ſtretching beyond the uſual courſe of human conjecture, where it is impoſſible to judge of the ultimate iſſue.

Under ſuch circumſtances, it becomes more than ever neceſſary to make prudent arrangements for the general ſafety—for amending the morals, and promoting the happineſs of the people; by improved laws; extending protection to all, and correcting thoſe evils, which are felt as a burden upon the community.

CHAP. XV.

A General Summary of the facts detailed in the preceding Chapters.—The unparallelled amount of moving Property in the Metropolis.—London, beſides being the Seat of Government, Law, learning, the fine Arts, and the reſort of the opulent from every part of the Empire; is not only the greateſt depôt *for merchandize, but the firſt manufacturing town in the world.—Exemplified by various particulars.—As the eſtimated depredations on the vaſt amount of moving property, do not reach one per cent. the evils ariſing from the injury to public morals, is greater than from loſs of property;—A ſerious conſideration in a political point of view, in conſequence of ſo many being implicated in this ſpecies of criminality, whoſe bad habits and evil example, muſt have an immediate effect on the riſing generation.—Additional arguments drawn from this ſource, in favour of a more energetic police, and the adoption of the remedies ſuggeſted in this Work—not ſingly or by piece-meal, but by a combination of the whole.—A wide field opened for men of talents, virtue, and philanthropy.—The ſummary of the evils detailed in this Work, as they relate to the deficiency of the ſyſtem, with reſpect to the detection and trial of offenders—rewards to officers—want of a Proſecutor for the Crown—compounding felonies,—The further evils ariſing from puniſhments, and from the defective ſtate of the Police ſyſtem.—The national ſecurity depends more on this than is generally ſuppoſed.*

A general View of the Remedies propoſed; claſſed under eight different heads, 1ſt.—Offences relative to the corruption of morals——2d.—The means of Prevention of crimes in general——3d.—Pillage and Plunder on the River Thames——4th. Frauds, Embezzlement, and Thefts in the public Arſenals and

Ships of war.——5th.—Coining, felling, and uttering baſe money.——6th.—Puniſhments and Pardons ——7th.—Imperfections in the preſent Syſtem of Police——8th.—Evils not provided for by exiſting Laws ——The Concluſion.—

IN taking a ſummary view of the various evils and remedies, which have been detailed in this Work, it may be right, previouſly to apprize the reader, that in contemplating the extent and magnitude of the aggregate depredations, which are preſumed to be committed in the courſe of a year, it is neceſſary to meaſure them *by a ſcale proportioned to the unparalleled amount of moving property expoſed in tranſit in this great Metropolis*, as well as the vaſt and unexampled increaſe of this property, within the laſt half century: during which period, there has certainly been accumulation of not leſs than two-thirds, in commerce as well as in manufactures.

It has perhaps, not generally attracted notice that, beſides being the Seat of the *Government—of the Law--Learning*, and the *fine Arts*,—the reſort of the Nobility and the opulent from every part of the Britiſh Empire, however diſtant;—LONDON, from being a great *depôt* for all the manufactures of the country, and alſo the goods of foreign nations as well as colonial produce, is not only the firſt commercial city that is known at preſent to exiſt, but is alſo one of the greateſt and moſt extenſive manufacturing towns perhaps in the univerſe; combining in one ſpot every attribute that can occaſion an aſſemblage of moving property, unparallelled in point of extent, magnitude, and value, in the whole world. From the abſtract already given, in *page* 60 of this work, and from other enquiries, it appears that 13,500 veſſels including their repeated voyages, arrive at, and depart from, the port of London, with

merchandize, in the courſe of a year; beſides a vaſt number of river craft, employed in the trade of the interior country, bringing and carrying away property, eſtimated at *Seventy Millions ſterling*.—

In addition to this, it is calculated, that above 40,000 waggons and other carriages, including their repeated journies, arrive and depart laden in both inſtances, with articles of domeſtic, colonial, and foreign merchandize; occaſioning a tranſit of perhaps (when cattle and proviſions, ſent for the conſumption of the inhabitants, are included) *Fifty Millions more*. If we take into the account the immenſe quantity of merchandize and moveable property of every ſpecies and denomination, depoſited in the various *maritime magazines*, *timber-yards*, *piece-goods*, *warehouſes*, *ſhops*, *manufactories*, *ſtore-houſes*, *public markets*, *dwelling houſes*, *inns*, *new buildings*, and *other repoſitories*, and which paſs from one place to another, it will eſtabliſh a foundation for ſuppoſing that in this way property to the amount of *Fifty Millions* more at leaſt, is annually expoſed to depredation; making a Sum of *One Hundred and Seventy Millions* independent of the moving articles in ſhips of war and tranſports, and in the different arſenals, dock-yards, and repoſitories in the Tower of London, and at Deptford, Woolwich, Sheerneſs, and various ſmaller magazines, in the daily courſe of being received and ſent away, ſuppoſed to amount to *Fifty Millions* more: making in the whole an aggregate ſum of *Two Hundred and Twenty Millions*. Thus an immenſe property becomes exceedingly expoſed, in all the various ways already explained in the courſe of this Work: and the *eſtimated* amount of the *annual depredations* (large as it is) will ceaſe to be a matter of ſurpriſe, if meaſured by the enormous ſcale of property above particularized: although it amounts to *Two Millions One Hundred Thouſand Pounds* ſterling, it ſinks to a trifle, in contemplating the magnitude

of the capital, *ſcarcely reaching one per cent. on the value of property paſſing in tranſit in the courſe of a year.*

It is not, therefore, ſo much the actual loſs that is ſuſtained (great as it certainly is) which is to be deplored, *as the miſchief which ariſes from the deſtruction of the morals of ſo numerons a body of people; who muſt be directly or collaterally engaged in perpetrating ſmaller offences, and in fraudulent and criminal purſuits*

This, in a political point of view, is a conſideration of a very ſerious and alarming nature, infinitely worſe in its conſequences than even thoſe depredations which ariſe from acts of violence committed by more atrocious offenders; the numbers of which latter have been ſhewn to be ſmall in compariſon with other delinquents, and not to have increaſed in any material degree for the laſt 50 years: while *inferior thefts, river plunder, pillage, embezzlements, and frauds, in reſpect to public property, coining baſe money, cheating by various ſwindling practices, and purchaſing and dealing in ſtolen goods*, have been magnified in a degree, commenſurate to the great and rapid influx of wealth which has ariſen from the vaſt increaſe of the commerce and manufactures of the country.

The evils, therefore, are the more prominent, as they have become ſo exceedingly diffuſed; and implicate in criminality numerous individuals, of whom a very large proportion were formerly untainted with any of that ſpecies of delinquency, which now renders them, (for their own ſakes—for the benefit of their families—and for the intereſt of public morals,) objects of peculiar attention on the part of the Legiſlature, as well as the police of the country.

The habits they have acquired are doubtleſs, very alarming, as in the deſtruction of their own morals, they alſo deſtroy thoſe of the riſing generation; and ſtill more ſo, as the exiſting laws, and the preſent ſyſtem of police, have been found ſo totally inadequate to the object of prevention.

Indeed it is but too evident, that nothing uſeful can be effected without a variety of regulations ſuch as have been ſuggeſted in different parts of this Work. It is not, however, that the adoption of any one *remedy* ſingly applied, or applied by piecemeal, but by a combination of the whole legiſlative *powers*, *regulations*, *eſtabliſhments*, and *ſuperintending agencies* already inſiſted on, that crimes are, in any degree, to be prevented, or kept in check. And it is not to be expected, that ſuch remedies can be either complete or effectual, unleſs there is a ſufficient fund appropriated for the purpoſe of giving vigour and energy to the general ſyſtem.

The object is of ſuch aſtoniſhing magnitude, and the abuſes which are meant to be corrected, are of ſo much conſequence to the *State*, as well as to the *Individual*, and the danger of a progreſſive increaſe is ſo evidently eſtabliſhed by experience, that it is impoſſible to look at the ſubject with indifference, when once it is developed and underſtood.

It opens a wide field for doing good, to men of virtue, talents, and abilities, who love their country, and glory in its proſperity. Such men will ſpeedily perceive, that this proſperity can not only be of ſhort duration,—if public morals are neglected, if no check is given to the growing depravity which prevails, and if meaſures are not adopted to guard the riſing generation againſt the evil examples to which they are expoſed.

The Philanthropiſts will alſo, in this volume, find abundance of ſcope for the exerciſe of that benevolence, and thoſe efforts in the cauſe of humanity, which occupy their attention, and conſtitute their chief pleaſure.—It is earneſtly to be hoped, that it may produce an univerſal deſire to attain thoſe objects, which are ſhewn to be ſo immediately connected with the Public good.

Next to the evils which are experienced from actual depredations upon property, by theſts, robbe-

ries, and embezzlements,—by the fabrication of baſe money,—and by frauds, forgeries, cheating, ſwindling, and receiving ſtolen goods, it has been ſhewn that many preſſures ariſe from the defects in the laws relative to the detection, trial, and conviction of offenders; particularly from the deficiency of juriſdiction in the city and police Magiſtrates, the want of funds to reward Officers of Juſtice, watchmen, patroles, and beadles, who may act meritoriouſly in apprehending delinquents; and, laſtly, in the trial of criminals, for want of a general *Proſecutor for the Crown*, to attend to the Public intereſt, and to prevent thoſe frauds (in ſuborning evidence, and in compounding felonies,) whereby many of the moſt abandoned are let looſe upon Society, while thoſe who are novices in crimes are often puniſhed.

The next ſtated in the claſs of evils is, that which ariſes from the laws as they now ſtand, relative to *puniſhments*. Their extreme ſeverity, in rendering ſuch a multitude of crimes capital, which Juries can never be made to believe are of that nature, in point of actual atrocity, has proved a very ſerious misfortune to the country, in the adminiſtration of criminal juſtice. Becauſe the puniſhment is too ſevere, it frequently happens that the delinquent is ſent back upon Society, encouraged to renew his depredations upon the public by his having eſcaped (although guilty) without any chaſtiſement at all.

It is unqueſtionably true, and little doubt will be entertained by any who attentively examine this Work, that the dread of ſevere puniſhment, in the manner the law is executed at preſent, has not the leaſt effect in deterring hardened offenders from the commiſſion of crimes.

The catalogue of offences, rendered capital in the laſt and preſent century, affords a melancholy proof of the ſanguinary nature of our criminal code; exhibiting features of ſeverity by no means reconcileable

either to the genius of the people, the principles of humanity, or the true ſpirit of civil liberty.

An opinion ſeems to have been formed, that crimes were to be prevented by the ſeverity of the puniſhment. That this opinion has been erroneous ſeems to be proved by inconteſtable evidence, adduced in various parts of this Work; and elucidated by a variety of reaſoning, which it is hoped cannot fail to bring conviction to the mind of every reader, who will beſtow time in the inveſtigation of a ſubject of ſo great importance to Society.

Laſt, in the enumeration of the evils detailed, are thoſe deficiencies and imperfections, which ariſe from the Police Syſtem; as explained in the 13th and 14th Chapters—A variety of inconveniencies, it appears, originate from this ſource; and reaſons are adduced, to convince the reader that the national ſecurity, and proſperity, are more dependent on a well-regulated and correct Syſtem of Police, than has been generally ſuppoſed.

Having thus briefly glanced at the evils, detailed in this Work, it now becomes neceſſary to lay before the reader the ſame collected view of the Remedies.

In accompliſhing this object, while the Author ventures to indulge a hope that theſe ſuggeſted remedies, or at leaſt a part of them, may be brought in due time under the conſideration of the Legiſlature, for the purpoſe of being enacted into Laws, or otherwiſe carried into effect; they are now preſented to the reader under eight diſtinct heads; applicable to the nature of the peculiar evils meant to be remedied: *Public Morals—The prevention of Crimes in general—The Plunder and Pillage on the River Thames—The Frauds, Embezzlements, and Thefts in the Public Arſenals, Ships of War and Tranſports—The coining, ſelling, and uttering of Baſe Money—Puniſhments and pardons—Imperfections in the preſent Syſtem of Police—Evils not provided for by exiſting Laws.*

FIRST:

Remedies propoſed for the Removal of thoſe Evils which relate to

PUBLIC MORALS.

The firſt ſtep towards the prevention of crimes in great ſocieties, is to look accurately at whatever has a tendency to the corruption of Morals; ſince it is from this ſource alone that offences of every denomination have their origin.

With a view to the correction of thoſe evils, which ariſe from improper Education, and idle and bad habits, the following Propoſitions have been offered to the conſideration of the Public.

I. In order to prevent, as far as poſſible, the vices and immorality generated in diſorderly public houſes, certain relations are propoſed. which are elucidated and explained in page 30, and the note there

II. For the purpoſe of checking thoſe evils which ariſe from *Idleneſs*, turning the mind to fraud by a variety of tricks and devices, whereby multitudes live by ſwindling, cheating, and gambling, it is propoſed to extend the deſcription of the Act of the 30 Geo. II. cap. 24, relative to perſons obtaining *goods by falſe pretences*—to *Horſes*, *Cattle*, *Bank-Notes*, *Bills*, *Notes of Hand*, " *and to every device* " *by which another is defrauded of his juſt right*, *and* " *where an intention to deceive the party ultimately wrong-* " *ed can be made appear.*" [*Vide page* 105; and alſo *pages* 125 to 131; where theſe miſchiefs are fully explained and elucidated.]—To extend the act of 9 Queen Anne, cap. 14, which enables Juſtices to bind over to their good behaviour, perſons who ſupport themſelves for the moſt part by *Gaming*—to a more enlarged deſcription of immoral perſons, who are ſuſpected to live by acts of fraud and ſwindling; wherever they cannot ſhew that they have any eſtate, or viſible means of living in honeſty; [*Vide pages* 106, 107] And further, to extend the laws now in being reſpecting Lottery vagrants, to proprietors or keepers of Gaming-houſes, and alſo to waiters, ſervants, and aſſiſtants, who, on being apprehended, may, on proper proof,

be punifhed as rogues and vagabonds. *See pages* 114, 115.

III. The laws relative to the Lottery being ftill extremely imperfect, from which fource arife infinite mifchiefs immediately tending to the corruption of morals, it is propofed to amend thefe laws by the adoption of certain regulations; explained and elucidated *in pages* 115 *to* 119; *and particularly under the eight different heads in pages* 120, 121, *and* 122.

IV. It is propofed, that all members of *Friendly Societies*, (authorifed and regulated, by the acts of the 33d Geo. III. cap. 54; 35th Geo. III. cap. 111.) who fhall be convicted of being concerned, in any manner, in illegal infurances, or tranfactions in the Lottery, fhall (by law) be excluded and expelled from the faid Societies, and fhall forfeit all right and benefit arifing from their being members of the fame.—

☞ The advantages of this regulation, in guarding a vaft body of working people againft the delufion of the Lottery, is explained in *page* 119, *and in the note there.*

V. The ftatutes relative to Servants, Handicrafts, and Labourers, are numerous, and fome of them appear even to be marked with features of feverity beyond what the offence may feem to deferve; where the turpitude is confined to a flight breach of a civil contract. In all thefe laws, however, menial or domeftic fervants are excluded; to them no punifhment attaches at all, in many inftances, for breaches of moral duty; and hence great inconveniencies arife, and vices are generated, which might otherwife, by mild regulations, have been prevented. It would, therefore, exceedingly ferve the caufe of morality, if the whole laws relative to fervants were revifed, and a general fyftem, fomewhat milder than the prefent adopted, in which menial fervants fhould be included—*Vide pages* 10, 110, 117, 118, and 119—further explained in the 5th Article of the 9th head of this Chapter.

VI. It is propofed to enforce the obfervance of thofe duties of morality and religion, breaches of which are, in their nature, moft injurious to Society, by the fame penalties which are inflicted for fmall breaches of civil contracts. Great evils arife, at prefent, from numbers of the lower orders cohabiting together without matrimony; [*vide note page* 30;] alfo from grofs acts of feduction, by means of promifes of marriage, and other fraudulent and criminal devices, by which unfufpecting innocence is entrapped and

betrayed; for theſe the law has provided no puniſhment, that in its nature can operate as a means of prevention, with the maſs of the lower orders of the people. The offence of adultery is not to be found in the criminal code; to which cauſe may be aſcribed the many inſtances which occur of criminal intercourſe between the ſexes in the lower ranks; deſtroying thoſe ties which bind Society together, and annihilating every ſenſe of morality and virtue —*vide pages* 188, *and* 189.

VII. It is propoſed to eſtabliſh a leſs expenſive ſyſtem, with reſpect to the recovery of ſmall debts, by *properly conſtituted Courts* of Juſtice; and to make certain other regulations, calculated to preſerve the morals of unfortunate families, by reſtoring to their offſprings ſuch parents, whoſe misfortunes, and not their crimes, have doomed them to the horrors of perpetual impriſonment. *Vide pages* 305 to 308.

Eſtabliſhments ſuggeſted to prevent the Corruption of Morals, depending chiefly on private munificence, and where legiſlative regulations are not immediately neceſſary.

I. An Aſylum, or place of induſtry, for poor, indigent, *male outcaſts*, diſcharged from gaols after puniſhment, and who are willing to work, but unable to obtain the means of ſubſiſtence on account of the loſs of character; *vide notes in* 72, *and* 224; *alſo pages* 71, 72, 74, 177, 224 *to* 227.

II. An Aſylum, or place of induſtry, for poor, indigent, *female* outcaſts, diſcharged from gaols; and miſerable forlorn proſtitutes, who are willing to work for their ſubſiſtence, but unable to find employment on account of the loſs of character. *See notes in pages* 72, 224.*

Theſe two eſtabliſhments would prove great acts of charity and humanity. At preſent a numerous

* When it is conſidered that (including the *various claſſes*,) above Fifty Thouſand Females are ſuppoſed to live chiefly by Proſtitution in this great Metropolis; a ſtrong impulſe muſt ariſe in the mind, favourable to an inſtitution, which would afford the means of reforming the morals of, at leaſt a part of, theſe our miſerable outcaſts.

body of unfortunate perſons, who have ſuffered puniſhment for offences, or who have been victims of ſeduction and proſtitution, having no means of ſubſiſtence, are often reduced to the ſhocking alternative of returning to criminal purſuits; though their puniſhments, and their misfortunes, may have impreſſed on their minds a bias favourable to reformation and induſtry.

In theſe Aſylums, it would not be very difficult, with good and proper management, to introduce ſuch beneficial works as would nearly, if not wholly, cover the expence. The males might be employed in ſpinning twine and making cordage, who have not been bred to particular mechanical employments, which could be carried on in ſuch Aſylums: while the females could be ſubſiſted from their labour in *tambour*, *embroidery*, or other *needlework—in binding ſhoes—finiſhing gloves—making ſlops, and ſoldiers and ſeamen's ſkirts—knitting ſtockings—picking cotton—and many other branches* of work; which might be procured by following up the reſources which the Metropolis affords for every ſpecies of human labour.

III. An inſtitution for preventing corruption of morals among menial and other ſervants; by means of an aſſociation of maſters and heads of families, who ſhall promiſe and engage to make it an expreſs condition with all ſervants, employed by them, whether male or female, that gaming in in the lottery, by means of inſurance, ſhall ſubject them to an immediate diſcharge, and the forfeiture of a certain portion of their wages.

A regulation of this ſort, carried into execution generally, in every pariſh in the Metropolis, would have a wonderful effect in preſerving the morals of ſervants; and conſequently of ſaving numbers who are led by this unaccountable mania into acts of imprudence, indiſcretion, and criminality, which ter-

minate, at length, in their deſtruction. *See pages* 116, 117, 118, *in the notes there.**

SECONDLY:

Remedies ſuggeſted for guarding the Public againſt Fraud and Depredation, and for the

PREVENTION OF CRIMES.

1. The principal Remedies, applicable to theſe important objects, relate to the Receivers of ſtolen Goods; and will be found ſpecifically detailed under 9 different heads, in pages 144 to 146; and the propoſitions therein contained, are explained and elucidated in pages 32, 33, 34; 35 to 39; 40 to 55; 69 to 76; 120; 173 to 190; 205 to 208; and alſo 366, 368 *in the notes*

The firſt propoſition relates to a conſolidation of the laws, now in being, relative to Receivers of ſtolen goods—and the remaining eight relate to—1ſt, the Utility of Making the Receiving of ſtolen Goods an original offence—and 2d, Extending this offence to money, bank notes, horſes, cattle, &c.—3d and 4th, To the competency of the Receivers' evidence, and to rewards.—5th and 6th, to the regulation of various Dealers in Old Iron, and other articles.—7th, To the Drivers of Hackney Coaches.—and 8th To Watchmen and Patroles; the whole forming a ſyſtem of Prevention, which, if ſanctioned by legiſlative authority, would certainly reſtrain the Commiſſion of Crimes in a very eminent degree.

* It is calculated, that there are ſeldom leſs than *ten thouſand ſervants*, of both ſexes, at all times, out of place in ths Metropolis.—This one proof, among many others, of the depravity which prevails, and of the importance of the regulation propoſed in the foregoing page.

Other regulations, tending to the ſame object, relate to *to the following Propoſitions.*

2. For regiſtering Lodging-Houſes, where the rent does not exceed 10s. weekly. *See page* 76.
3. For rendering it incumbent on Magiſtrates to licenſe Pawnbrokers, and to refuſe ſuch licence if proper evidence of good character is not adduced; and alſo ſecurity for good behaviour. *See note pages* 111, 112.

☞ *There are alſo other regulations of great importance, relative to Pawnbrokers, the adoption of which, would tend, in an eminent degree, to the benefit of the poor, and to the comfort and protection of the lower ranks of the people, as well as to the prevention of Crimes.—Theſe, the Author has already digeſted, and will have a great ſatisfaction in bringing forward whenever the period ſhall arrive, that the attention of the Legiſlature ſhall be turned to Objects of Police.*

4. For regulating licenſes to Hawkers and Pedlars, to be granted by the Magiſtrates. *See pages* 112, 113,
5. For licenſing in like manner, by the Magiſtrates, all diurnal Shop-auctioneers. *See pages* 112, 114.
6. For extending certain Regulations to Advertiſing Money Lenders, as explained in *pages* 113, 114.
7. For a general law relative to Weights and Meaſures, applicable to the whole of the Metropolis. *See page* 124.

THIRDLY:

Remedies ſuggeſted for the prevention of Pillage and Plunder in Ships and Veſſels, and upon the Wharves and Quays on the River Thames.

The regulations relative to ſmall dealers in ſtores, cordage, hand-ſtuff, metals, &c. which have been recommended as one of the great means of the *prevenion of crimes*, if adopted and ſanctioned by the Leſiſlature, with additional checks, which, may be

eſtabliſhed by the merchants themſelves (as explained in *page* 52,) will go very far towards the correction of many of thoſe evils detailed in the 3d Chapter. But the moſt effectual relief will probably be derived from the eſtabliſhment of proper Docks, which ſhall render the tranſit of valuable commodities by lighters, and other craft, unneceſſary. *See pages* 40 *to* 56.

In addition, however, to thoſe regulations requiring legiſlative aſſiſtance, there are others (as has been hinted) which may be immediately adopted by the Merchants, of their own motion and authority; calculated to give very conſiderable relief; if carried into effect, with a proper regard to ſyſtem, and under the aſſurance of a due execution. Of theſe, the following ſeem of the moſt material conſequence.

1. That the excellent regulations of the Weſt-India Merchants, at their meeting, held the 27th of April, 1790, be carried *effectually* into execution, and due proviſion made for that purpoſe*
2. That at leaſt four good and able men, ſkilled in maritime affairs, and acquainted with the navigation of the Thames, be appointed as harbour-maſters; to have under their controul ſix boats' crews who ſhall be conſtantly on the watch to detect offenders.
3. That the diſcharge of veſſels, particularly in the Weſt-India trade, be facilitated as much as poſſible.—That for this purpoſe, not only partial entries (as far as it is practicable) ſhall be aboliſhed; but alſo the practice of allowing 30 days from the report, for the diſcharge of rum.
4. That a total abolition ſhould alſo take place of the practice of drawing 12lb. of Sugar from every hogſhead, under the pretence of a ſample—*this upon* 140,000 *Hhds. of Sugar imported in* 1794, *amounted to* 1,680,000 *lbs. which at* 8 1-2*d. per lb. is* £60.000 *a year—for ſamples alone!*

* Vide Report of the Committee of the Houſe of Commons, on the beſt mode of providing accommodation to the Trade of London, page 98, Appendix Z), where theſe Reſolutions are ſpecifically detailed.

5. That the Captain and Mate (or at leaſt the Mate) ſhould be always on board, during the diſcharge of every veſſel; which, in no caſe whatever, ſhould be left to the care of lumpers.
6. That the rules eſtabliſhed by the Eaſt-India Company, with regard to lumpers, ſhould be adopted by merchants, and importers of every deſcription; and that no one ſhould be admitted to labour on board of any ſhip, who had frocks, or wide trowſers, or any looſe dreſs; nor ſhould ſuch lumpers be permitted to go on ſhore till the evening, and then each of them to be ſearched on leaving the ſhip's ſide.
7. That in all caſes where veſſels diſcharge in the ſtream no goods of a portable nature, or liable to be pilfered, ſhould be permitted to be unſhipped into any other craft, than cloſe lighters locked, and ſecured with double keys, one to be kept by the Revenue Officer, and the other by the Wharfinger.
8. That Wharfingers ſhould be liable for plunderage of goods in the warehouſes under their charge; (which is known to be very extenſive at preſent:) and that ſuch Wharfingers and Warehouſe-men ſhould ſee that all ſugar caſks are ſtowed upon their bulge, and not upon their ends as at preſent, to prevent drainage.

And finally, by a regulation of the Executive Government—To encreaſe the ſalaries of the Tide-officers, ſo as to put them above the temptation of conniving at fraud and plunder.—They have a certain appearance to ſupport, though their ſalaries are not equal to common labourers. This, in a manner, compels them to be immoral, and reconciles them to acts of fraud, as the perquiſites of office, becauſe their neceſſities are preſſing, and muſt be ſupplied.—It is an ill-judged parſimony. The Revenue in every department, where inferior officers are appointed to prevent frauds, would be exceedingly benefited by a conſiderable augmentation of their ſalaries, particularly in the Cuſtoms and Exciſe; while, at the ſame time, the moral principle would be preſerved.

Theſe regulations, enforced by a correct ſyſtem of police, (*See pages* 20: 55: 146, 147: 268, 269: and 279—282) would produce unſpeakable advan-

tages, in the prevention of crimes, and in the protection of commercial property.

FOURTHLY:

Remedies ſuggeſted for the prevention of Abuſes, Frauds, Plunder, and Pillage in the Navy, Victualling, and Ordnance Departments—in Ships of War and Tranſports—in Dock-Yards, and other Repoſitories.

The Fourth Chapter (*from page* 56 *to* 68,) explains the extreme miſchiefs which at preſent are experienced, in this particular department: and the remedies are digeſted under *ſeven diſtincts heads in pages* 64, *and* 65; from which a Bill in Parliament may be formed, with ſuch improvements and alterations, as a full diſcuſſion of the ſubject ſhall ſuggeſt.

In addition to theſe ſuggeſted Legiſlative regulations others are propoſed, which the Lords of the Admiralty are competent to eſtabliſh, without the interference of Parliament; as they merely relate to the management of their own ſervants.—Theſe may be claſſed under *ſix different heads*, as follows:

1. The Abolition of the perquiſite of Chips. *See pages* 63, *and* 64, *and the notes there.*
2. The introduction of various checks in the mode of keeping the accounts of ſtores received and delivered; ſimilar to the mode practiſed in the Exciſe, as far as ſuch a ſyſtem can be applied to the different public repoſitories. *See page* 66.
3. The increaſe of Salaries to Officers, Clerks, and Servants of every deſcription in the Army and Navy departments, in proportion to the decreaſe of the value of money, and the means of living, ſince their Salaries were fixed above a century ago; and in ſome degree, in proportion to the emoluments ariſing from legal fees or perquiſites: ſo as to place every perſon holding a public truſt, above

thoſe temptations which induce needy and diſtreſſed individuals to depart from the rules of common honeſty. *See page* 66.

4. The conſequent abolition of fees, perquiſites, and gratuities, in every public department, connected with the Navy or Army. *See page* 66.
5. The eſtabliſhment of a rule that an annual inventory ſhall be taken of the public ſtores, and accounts made up in ſuch a manner, as to ſhew how every article has been applied; thereby forming a competent check upon the Officers who receive and deliver ſuch ſtores. *See page* 62.
6. The eſtabliſhment of proper Officers, and Boats' Crews, under the management of the Police, at each Dock-Yard, to prevent the embezzlement and removal of ſtores, or any public property whatſoever. *See page* 60.

The advantages, to be derived from ſuch a ſyſtem, have been already ſo fully explained, and the neceſſity of the meaſure is ſo obvious, that it ſeems unneceſſary to enter into further detail.—But if any doubt remains, as to the exceeding great temptation which prevails at preſent, let it be recollected, that no nation in the univerſe ever poſſeſſed ſuch a maſs of floating and ſtationary property as at preſent belongs to the Britiſh Government; expoſed to embezzlement and plunder, as well as to the operation of frauds committed by a multitude of devices. This fact will ſpeak for itſelf, on a view of the following eſtimate:

119	Ships of the Line, now in commiſſion, conſtantly in the act of receiving and diſcharging ſtores and proviſions; eſtimated at all times, including the value of the ſhips while in ſervice, at £1000 a gun, 9182 guns - - -	£9,182,000
335	Ships of War of inferior force in the ſame ——ſituation at £750. £500. £400. £350. and	
454	£200. a gun, on 18427 guns -	5,000,000
	Carried over	13,182,000

	Brought over	12,182,030
149	Ships, viz. 89 in ordinary, 32 building, 16 Receiving ſhips, and 12 repairing for ſervice - - - -	1,500,000
500	Tranſports, having a conſtant ſucceſſion of moving property, eſtimated at £2000. each	1,000,000
	Naval, Victualling, and Ordnance Stores in the ſix Dock-Yards at Deptford, Woolwich, Sheerneſs, Chatham, Portſmouth, and Plymouth, and in the different Ordnance and public Repoſitories, where property to a vaſt amount is depoſited; and where, in time of war, it is in a conſtant ſtate of fluctuation, and increaſe - -	14,000,000
	Naval, Victualling, and Ordnance Stores, acquired in the courſe of a year, to renew thoſe that are exhauſted, unſerviceable, or loſt in time of war - - -	3,500,000
	Naval, Victualling, and Ordnance Stores, in Halifax, Antigua, and the Eaſt Indies, belonging to the Public, and expoſed, more or leſs, to embezzlement - -	1,000,000
	Military Stores in different Arſenals, and moving with the Armies of the Empire	15,000,000
	Total, Public Property, eſtimated at	£50,182,000

FIFTHLY:

Remedies propoſed for the purpoſe of preventing the Coining, Selling, and Uttering Baſe Money.

The frauds and abuſes, relative to this branch of Police, are very fully detailed in Chapter VI.; which alſo contains various propoſitions for remedying the different evils ariſing from baſe Coin.

1. That the exiſting laws relative to the Coinage, from the 25th of Edward III. to the 25th of his preſent Majeſty, be reviſed and conſolidated; ſo as to render, the whole clear, conciſe, and explicit. *See page* 92.
2. That the various propoſitions and regulations contained in *pages* 94, *to* 99, of this Work, arranged under fourteen different heads, be formed into an Act of Parliament; as

having an immediate tendency to defeat the modern tricks and devices of Coiners, Dealers and Utterers of baſe Money; and to remove the imperfections and deficiencies of the preſent Mint laws.

3. That a new Coinage of Silver ſhould take place as a neceſſary appendage to the propoſed improvements; in which, beſides Shillings, and Sixpences, the introduction of a Silver Coin of the value of 3 l. and of a Gold Coin of the value of 7s. is repreſented as likely to be productive of great benefit to the Commerce of the Country; relieving Traders from the inconveniencies ariſing from an increaſe of the circulation of Copper, and baſe Silver Money. *See pages* 100, 101.

4. That a new Coinage of Copper Money be adopted, ſimilar to the maſterly and beautiful ſpecimens propoſed to be fabricated by M. Bolton, Eſq. of Birmingham, in the year 1790; by which means, not only counterfeits would be prevented, to the great relief of the public, as the intrinſic and denominative value would be nearly the ſame; but, through the medium of this ſpecies of Coin, an exportation might be promoted to foreign Countries, beneficial to the nation in a very high degree, in the conſumption of a Home Manufacture. *See note in page* 90; *alſo pages* 100, 101.

☞ The Author has great ſatisfaction in mentioning that the Solicitor to the Mint has been authoriſed to ſubmit the ſuggeſtions, here offered on this ſubject, to the conſideration of two able and experienced Crown Lawyers; who are preparing a Bill for the purpoſe of puniſhing and preventing the above evils: It is hoped that not only this Bill will ſoon be brought forward in Parliament; but alſo that it may be ſucceeded by meaſures for the removal of the various other preſſures detailed in this Work.

SIXTHLY:

Remedies propoſed for improving the Syſtem of Puniſhments and Pardons.

1. That the Criminal Code, ſo far as relates to ſevere puniſhments, and particularly to the puniſhment of death, ſhould be reviſed; and rendered more conſonant to humanity, and the ſentiments of the public mind; ſo as to enſure convictions, by proportioning the puniſhment to the offence; and by aboliſhing the ſentence of death, except where very atrocious crimes are committed. *See Chap. XI. pages* 182, 215, *alſo Chap. XII. pages* 217, 228, *and* 230.
2. When the offence is of ſo atrocious a nature as to deſerve death the execution of the criminal to be as ſolemn and terrific as poſſible; and conducted in ſuch a manner as to impreſs upon the multitude, who are ſpectators, a dread of the crime; while they admit the juſtice of the ſentence, and the neceſſity of the ſacrifice. *See pages* 230, *and* 250.
3. The diſpoſal of capital and other convicts, with great advantage to the public, by adopting the plan, digeſted under four diſtinct heads; relative to *Tranſportation*,—the *Hulks*,—*Labour at the Public Works*, and *Penitentiary Houſes*. *See pages* 249, 250; *elucidated in pages* 230, 231; *and* 238, *to* 254.
4. That the plan of building National Penitentiary Houſes, as authoriſed by the Acts of the 19th and 34th of his preſent Majeſty, be carried into execution, and inferior and diſeaſed offenders placed in theſe Aſylums. *See pages* 22; *and* 232 *to* 235.
5. That certain general rules be laid down, as conditions, on which pardons ſhould be granted, whereof the following is the ſubſtance, viz.

1ſt. That diſcoveries ſhould be made, uſeful to public juſtice. *See pages* 18, *to* 21; 228.

2d. That the moſt authentic information ſhould be obtained, through the medium of the Judges and Committing Magiſtrates, how far the delinquent merits the extenſion of the Royal Mercy. *See page* 22.

3d. That wherever the condition of the pardon is not tranſportation, or hard labour for life, ſecurity ſhall be entered into, by the parties making application, for the good behaviour of the delinquent. *See pages* 228, 245.

SEVENTHLY:

Remedies propoſed for improving the Police of the Metropolis.

1. That a *Board of Police*, ſhould be eſtabliſhed, conſiſting of three reſponſible Commiſſioners, to act under the direction and controul of his Majeſty's principal Secretary of State for the Home Department.

Their duty is explained in *pages* 20, 21; 268 *to* 270; and more at large under twelve different heads, *in pages* 278, *to* 281.

The propriety of this ſyſtem, elucidated and enforced by various obſervations; in Chapters I. II. III. IV. V. and VI. and alſo in *pages* 134, 135; 147; 162, 163; 281 *and* 282.

2. That Counſel for the Crown, under the Attorney-General for the time being, be appointed to carry on all proſecutions which relate to public wrongs; for the purpoſe of preventing frauds in the adminiſtration of Juſtice, and protecting the ſufferers from expence.

This propoſition opened in *pages* 17, 22.—explained in *pages* 173, 174, 175; 178, 179, 180; 184, *and* 193.

3. That Officers of Juſtice, Conſtables, Headboroughs, Watchmen, Patroles, and Beadles, ſhould be encouraged, by moderate rewards, to detect and apprehend every deſcription of Offenders. *See pages* 162, 164; 167; *and* 172.

4. That Watchmen and Patroles in the metropolis ſhould be under the controul of Magiſtrates, acting within the diviſion. *See page* 167.—The ſyſtem to be improved, by the addition of ſome Horſe Patroles, and a greater allowance made to obtain able-bodied men. *See pages* 164 *to* 166.

5. That the juriſdiction of the Magiſtrates of the City of London be extended to the whole of the Metropolis, and that of the Police Magiſtrates to the City; ſo far as reſpects the detection of Offenders, and warrants to ſearch for ſtolen property and coining-tools, &c. *See pages* 169, 170.

6. That the Syſtem of Police Magiſtrates be extended to the City of London; for the reaſons ſtated in *pages* 263 *to* 268.

7. That Magiſtrates of Police ſhould have the power of diſburſing ſmall ſums of money; for uſeful informations, lead-

ing to the detection and apprehenſion of Offenders, or the prevention of Crimes. *See pages* 162, 163; 167; 261, 262, 263.

8. That the inconveniencies ariſing from the length of time which elapſes before the trial, of perſons committing Offences in that part of the Metropolis which lies in the county of Surrey, be removed—if poſſible, by making it lawful to try Offences committed in Southwark, at the Juſtice Hall at the Old Bailey; which may be done before a Jury of the vicinage. *See pages* 176, 177, *in the note.*
9. That an arrangement be made for the improvement of what is denominated Civil Police, by the eſtabliſhment of inferior tribunals for diſtributing juſtice, in all actions of Debt under £50. and for the purpoſe of reducing the preſent enormous expence, and extending relief to traders in general. *See pages* 303, 304.

EIGHTHLY:

Remedies ſuggeſted for certain Evils not ſufficiently provided for by exiſting Laws.

1. Perſons who forge the firm of any commercial houſe, and thereby obtain goods upon the credit of ſuch firm, are now only puniſhable for a miſdemeanor. The forgery in this caſe, although of a tendency the moſt dangerous that can be conceived in a commercial Country, is not within the meaning of any exiſting ſtatute; a circumſtance that will ſcarcely be believed, when it is conſidered, how eaſy it is to obtain extenſive credit, (from the unbounded confidence which prevails in commercial tranſactions,) by uſing the firm or ſignatures of houſes of known reſpectability.

It would certainly prove beneficial in the higheſt degree to place this offence, ſo dangerous in its nature upon the ſame footing as other forgeries.

A caſe in point occurred in 1796, where a perſon aſſuming the firm of a houſe of credit at Briſtol, ordered goods from Mancheſter; deſiring, at the ſame time, that the anſwer ſhould be ſent to Portſmouth, where one of the partners pretended to have gone on

buſineſs. By this device, two parcels of goods were obtained, and ſold immediately by the ſharpers at half the value: This being diſcovered by a Magiſtrate of Police, they were ſtopped in their career; and a number of unſuſpecting manufacturers, both in Mancheſter and Leeds, guarded againſt the operation of a very complicated and artful conſpiracy, to defraud them of their property.

2. A perſon ſetting fire to his own houſe, with a view to defraud the Inſurance Office, is at preſent, only conſidered as guilty of a miſdemeanor; and if his houſe is at a diſtance from others, where there is no danger of injury to the neighbourhood, it *is no offence at all, known in our criminal code*, even although it may appear to have been done with a view to defraud the Inſurers; and the only remedy the Inſurers have, in this caſe, is to refuſe payment. It ſeems not too harſh to wiſh that offences of ſuch an atrocious nature, (and of which there have been but too many inſtances of late,) ſhould, with a view to the prevention of this enormous crime, be puniſhed with tranſportation. —If the fire extends to another houſe, the offence is denominated *Arſon*; but tranſactions of this ſort being carried on in a hidden way, where only circumſtantial evidence can be obtained, the Jury are careful of convicting, as the crime is puniſhable with death. It would, therefore probably be more beneficial to ſociety, that the puniſhment ſhould only be by tranſportation either for life, or a ſhorter period, according to the malignity of the caſe.
3. Conſiderable inconveniencies ariſe, and many infamous perſons eſcape with impunity, from the circuitous method which prevails at preſent, of puniſhing thoſe ſeducers of innocence, the keepers of bawdy-houſes.—At preſent they muſt be proceeded againſt by a bill of indictment.—If a power were given to two or more Juſtices of the Peace, to enquire into theſe offences in a ſummary way, and on the conviction of ſuch bawds, to commit them for from three to ſix months to the houſe of correction, according to the enormity of the offence, it would go very far towards ſuppreſſing, at leaſt, the evil of ſeduction; to which the attention of the Magiſtrate would thus be more particularly directed.
4. A conſiderable inconvenience at preſent is experienced from the difficulty, as the law now ſtands, of removing

bad and profligate lodgers; a vaſt expence is often incurred, by means of perſons of litigious diſpoſitions reſiſting the notices of the landlords; and the moſt trifling and frivolous occaſions, engendered by the ill humour of the parties, frequently cauſe conſiderable diſtreſs to both.—In caſes of ſmaller concern, where the rent does not exceed a few ſhillings a week, it would be an act of great humanity to empower Magiſtrates to decide in a ſummary way:—it would check that ſpirit of litigation, which is the deſtruction of the labouring people.

5. It has already been ſtated [*page* 325,] that the law, as it now ſtands, has provided no remedy where menial ſervants are refractory and behave ill, by leaving their ſervice, or other miſdemeanors.—Servants in all other branches of *labour* are puniſhable by Juſtices in a ſummary way, from which good effects have ariſen to the community. The moſt able and experienced Magiſtrates have been of opinion, that ſimilar benefits would ariſe from extending the ſame laws to *domeſtic ſervants*; who too often allow their ill-regulated paſſions to lead them into errors and improprieties, as well as crimes; againſt which their maſters would be guarded, and themſelves kept in their places, if examples could occaſionally be made, by inflicting ſlight puniſhments upon them; in the ſame manner as upon other ſervants for breaches of moral contracts.

A regulation of this kind would greatly increaſe the number of good ſervants; and would probably do more to prevent bad ones, than any of the numerous and expenſive ſchemes, which philanthropic individuals have laudably ſet on foot to reform this claſs of individuals.

6. If ſome general regulations could be eſtabliſhed by law, to prevent the gleaning corn, except for the benefit of the farmer, infinite advantages would ariſe in the preſervation of the honeſty of a great number of the labouring people in the country; whoſe morals are completely ruined in early life, through this medium alone.—Parents carry their children to the fields during harveſt; exhibiting an example too often, to infants, which reconciles them at maturer years, to habits of pilfering, ruinous to themſelves, and to ſociety. It would, perhaps, be better for every farmer to pay double wages to gleaners, than permit gleaning on

their own account.—The miſchiefs ariſing from it muſt be obvious to every country Magiſtrate.—It firſt teaches the children of cottagers to become thieves in a little way; and afterwards ſerves as a cover for more extenſive depredations.—Almoſt every thief, charged with *ſtealing* corn, pretends it was obtained by *gleaning*.

The adoption of theſe various remedies could not fail to have a very ſalutary effect in the prevention of crimes,—in providing for the ſecurity of life and property,—and in the increaſe of that ſpecies of uſeful induſtry and ſobriety, which conſtitutes the ſtrength and happineſs of a Nation. Great humanity alſo would be extended to labouring people, by removing thoſe numerous temptations, which too often aſſail them, and induce many to become diſhoneſt, who would otherwiſe have remained innocent and uſeful.

After travelling over ſo extenſive a field, where every ſtep is ſtained with turpitude and depravity, it is natural to ſuppoſe, that the contemplation of ſuch objects will deeply affect the mind of the reader, and generate notions unfavourable to the human race.

Such impreſſions, however, muſt be cautiouſly cheriſhed. It muſt be recollected, that extenſive as the injuries appear to be, in the light in which they are placed, in order to appreciate their true amount, they muſt be meaſured by the ſcale of a large Metropolis, full of temptations. The depredations committed, will ceaſe to be a matter of aſtoniſhment when compared with the vaſt property that is conſtantly afloat: and, on the whole, the evils are perhaps, not to be imputed ſo much to the increaſed or general depravity of the human character, as to the deficiency of the laws: in not advancing progreſſively in the means of prevention, in proportion to the introduction of luxury, and the additional tempta-

tions which the influx of wealth, and the intercourſe of commerce occaſion in every country.

Mankind have ever been the ſame in all ages—It ought never to be forgotten, that thoſe who have been exhibited, in this Treatiſe, as the moſt deformed part of the human race, *were once innocent*; and many of them, at leaſt, became victims to the deficiency which has been ſhewn to pervade the ſyſtem, with reſpect to the prevention of crimes:—Charity, then, claims a tear of pity for their forlorn condition; and the ſame principle of benevolence muſt create a deſire, wherever the remedies ſuggeſted in this Work ſtrike the mind as being practicable and proper, to promote their early adoption; that while thoſe who are innocent, but ready to ruſh into the ſame gulph of miſery and crimes, are arreſted in their progreſs, and ſaved to the community; the more depraved, who are already completely abandoned to criminality, may be diſpoſed of in ſuch a manner, as to guard the Public againſt their reiterated acts of fraud, violence and depredation.

FINIS.

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